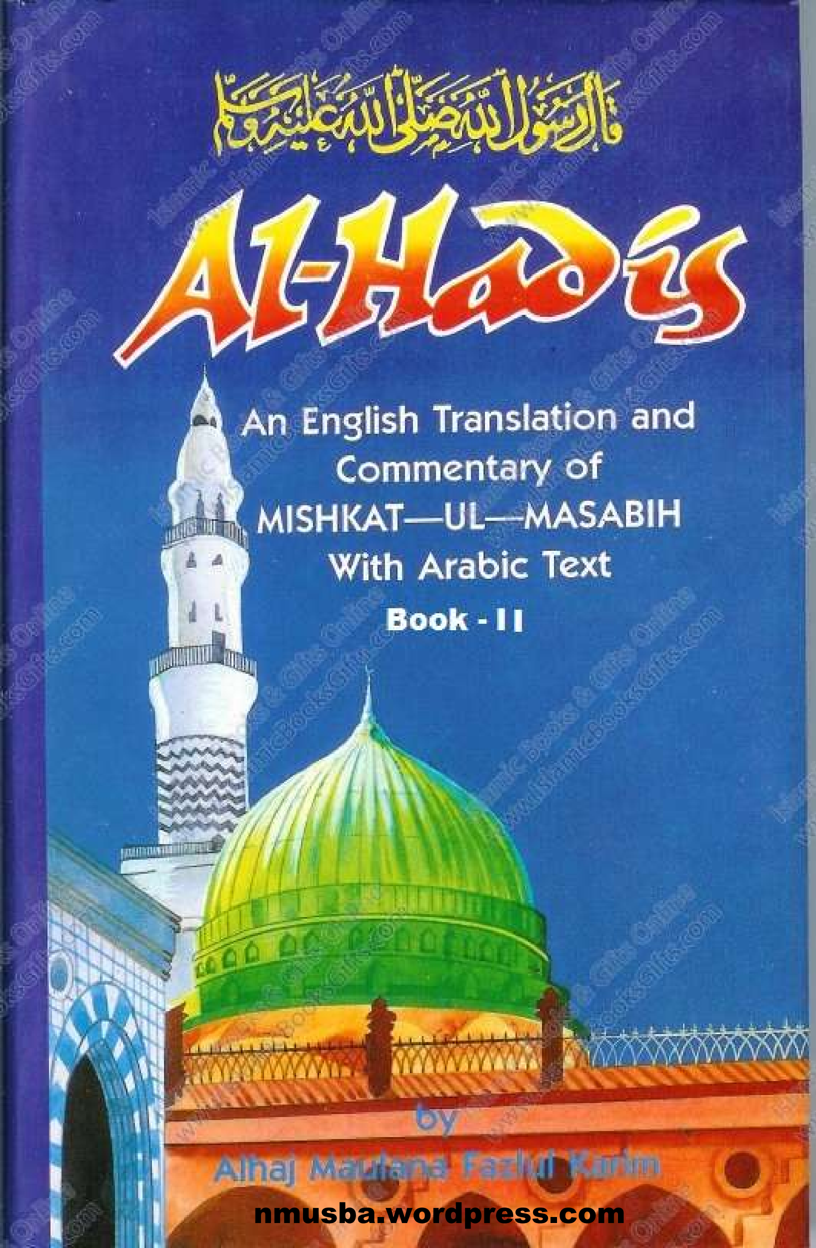

قال رسول الله صلى الله عليه وسلم
Al-Hadis
An English Translation and
Commentary of
MISHKAT—UL—MASABIH
With Arabic Text
Book - II
by
Alhaj Maulana Fazlul Karim
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AL-HADIS

BOOK II

Dedicated to :-

'The Almighty Allah'

and to

His Beloved Apostle



AL-HADIS

An English Translation and Commentary with vowel pointed Arabic Text

of

MISHKAT-UL-MASABIH

(Being a collection of the most authentic sayings and doings of the Prophet Muhammad (P.H.), selected from the most reliable collections of Hadis Literature, and containing all that an average Muslim or non-Muslim requires to know for guidance in all walks of life)

With

Suitable arrangements in to Chapters and Sections

By

AL-HAJ MAULANA FAZLUL KARIM, M.A., B.L.

OF BENGAL CIVIL SERVICE (JUDICIAL)

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خَيْرُ الْهَدْيِ هَدْيُ مُحَمَّدٍ (صلعم)

The best guidance is the guidance of Muhammad (P.H.) – I:95.

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PREFACE

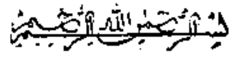
Thanks to the Almighty Allah that, by His infinite grace, the Book II of the 'Al-Hadis' has now seen the light of the day inspite of manifold difficulties. God willing, the Books III and IV will be out within a very short time. This book is mainly devoted to matters worldly and hence contains traditions which form the nucleus of Islamic laws regarding mundane affairs. Any defect or mistake that might have imperceptibly crept in the book may kindly be pointed out to me by the readers.

My thanks are due to my fellow worker Mr. S. Hussain, proprietor of the Scholar Printing Press, who has spared no pains in bringing out the book within as short a time as possible. I shall also be failing in my duty if I do not express my heart-felt gratitude to the Hon'ble Mr. A. K. Fazlul Huq, Premier of Bengal, whose words of encouragement were no less a factor to me to steer through the great ordeal.

Calcutta
July, 1939

F. Karim.

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نحمده و نصلي على رسوله الكريم

BOOK II

CHAPTER VIII

SECTION I

Excellence of Charity

644. (a) By divine wisdom, one man is rolling in wealth while another is penniless. Why is this anomaly? It is partly due to the fact that man has to be tried either by the virtue of charity or by the sin of miserly habits. If all men would have been rich, the word 'charity' would have found no mention in the dictionary, and matters of the world would have stood at a stand still. The Holy Quran therefore says: And if Allah should give provision in abundance, they would certainly revolt in the earth but He sends it down according to a measure as He pleases (42 : 27 Q). In order, therefore, to bring the virtue of 'charity' into full play, to prevent revolution, and for smooth working of the worldy affairs economic inequality has been created. The present Bolshevik movement of Russia is thus a movement against nature and bound to fail. In order to minimise the evils of accumulation of wealth in one hand, the institution of charity has been recognised by all religions including Islam.

(b) *Method and regularity:* Islam, however, has given this institution a perfect, practical, methodical, regular, and organised shape. No religion other than Islam has recognised charity as one of its chief pillars. In Islam, it is the second of the five pillars on which the grand superstructure of this faith has been built up. It has been made compulsory—a binding tax upon the rich for the protection of the poor. The institution of charity has thus been made perfect in Islam with the perfection of all other ordinances.

(c) *Islamic Brotherhood:* In this brotherhood, the rich men enter with a condition that they shall distribute a portion of their wealth to the poor members in faith. 2½ p.c. of their net annual income shall be given away to the poor, the distressed and the needy. Thus the poorer members of this brotherhood enjoy a statutory benefit which is enjoyed

nowhere in the world and the attribute of virtue has been given a scope and at the same time economic inequalities have been minimised and the rich have not been deprived of the fruits of their labour.

(d) *Excellence of Charity* : Islam is not content merely by making charity compulsory on the rich. It has, however, promised great rewards for optional charities. The Prophet said that nothing is stronger in the earth—mountain, iron, fire, water and wind—than the son of Adam giving alms with his right hand concealing it from his left (8 : 17). Charity will be a shade for a believer on the Resurrection Day when there will be no shade (8 : 17). Charity appeases wrath of Allah and removes pangs of death—8 : 10. Wherever the Quran speaks of prayer, it also conjointly speaks of charity thereby showing that prayer prepares a man for the service of humanity. "And spend in the way of Allah." By no means shall you attain to righteousness until you spend out of what you love and whatever thing you spend, Allah surely knows it—3 : 91 Q. They ask you as to what they should spend. Say, whatever wealth you spend, it is for the orphans and the needy and the way-farer—2 : 215 Q. Woe to the praying ones .....and those who with hold acts of charities (107 : 4—7 Q)." The other verses dealing with excellence of charity have been given in 2 : 254 Q., 247 Q., 338 Q., 177 Q.

(e) *Wide meaning of Charity in Islam* : In Islam, charity has been given a very wide meaning. It means any benefit done to any person or animal either economic, spiritual, moral or consolatory. Every good is charity—8 : 2. Meeting with a brother Muslim with cheerful countenance is charity (8 : 4) as it is consolatory. To advise a man to do good and to desist from wrong is charity. To remove an injurious thing from the way is charity. In this kind of charity, the poor and the needy can also participate. It is nothing but sympathy and fellow feeling. Besides the compulsory charity by payment of zakat, Islam recognises optional charities by various denominations such as Infaq (spending benevolently), Ihsan (doing of good) and Sadka (charitable deed). These words connote charity in a broad sense Infaq has been discussed in note 649, and in the head-notes of 127, 173, 198, 262 and 165. Note 649 deals with modes of expense, 127 and 173 deal with rewards in spending for wife and family, 198 with charities to the poor and the needy, 262 with service to humanity, 165 with charity by manumission of slaves and 457 with charity by giving food to the hungry and drink to the thirsty. Taking care of orphans and management of their property is charity (note 195). Nursing and visiting

the sick are acts of charity (note 210). Besides Zakat and Fitra charities, all other benevolent expenses are optional.

(f) *Islam fixed occasions for charity.* At the time of two festival I'ds, charitable actions are compulsory on every Muslim possessing requisite qualifications (see note 675). Charity has been encouraged at the time of every calamity because charity removes an impending calamity (8 : 250 Q). If a Muslim fails to perform Zumma prayer through mistake, charity can partly compensate the sin—34 : 669.

(g) *Charity increases rather than decreases.* It is seen in nature that a seed of paddy, if sown in well-cultivated field, grows a number of sprouts wherefrom hundreds of paddy seeds come forth. What is true in vegetable kingdom is true also in moral kingdom. The Quran therefore says: The parable of those who spend their property in the way of Allah is as the parable of a grain growing seven ears with a hundred grains in every ear. And Allah multiplies for whom He pleases (2 : 261 Q). Therefore the seed of charity sown and nurtured carefully may yield innumerable seeds of charity Are the following divine words false? Allah does not bless usury and gives increase in charity (2: 276 Q.). The devil threatens you with poverty and enjoins you to be niggardly and Allah promises you forgiveness from Himself and abundance, and Allah is Ample-giving, Knowing (2: 268 Q.). And whatever you lay out at usury that it may increase in the property of men, it shall not increase with Allah; and whatever you give in charity desiring Allah's pleasure, it is these (persons) that shall get manifold—30 : 39 Q.

(h) *Three classes of charitable persons.* (1) The highest philanthropic man is called Siddiq (greatly truthful). Besides paying Zakat prescribed for ordinary rich Muslims, he disposes of his entire possessions in charity absolutely relying on Allah and His Apostle. This was Hazrat Abu Bakr Siddiq who brought all his wealth to the Prophet for charity when he was ordered by him. When asked, he told in reply, 'Allah and His Apostle are sufficient for me!' Hazrat Omar brought half of his wealth at that time. (2) The second man is lower in position. He pays Zakat and also pays additional charities keeping for himself sufficient means of maintenance. They have a fixed portion of their income for charity (51: 19 Q.). (3) The third kind of man is he who pays only the compulsory Zakat and no other additional charities.

(i) *How to acquire high rewards in charity*: (1) To give it immediately on demand; (2) to pay it intending to seek the pleasure

of Allah and not for show (2: 272 Q.); (3) to pay it secretly so that the left hand knows not what the right hand does; (4) not to give charity attended with harsh word, injury or reproach (2: 263 Q.); (5) to consider the thing given as quite insignificant; (6) to pay it from one's own hard-earned lawful savings (2 : 267 Q.); (7) to pay it to most deserving persons especially to pious learned men who are poor and do not beg as the Quran says: Alms for the poor who are confined in the way of Allah; they cannot go about in the land the ignorant man thinks them to be rich on account of abstaining (from begging). You can recognise them by their mark. They do not beg from men importunately (2 : 273 Q.); (8) to pay alms to those relatives who are poor and indigent (2: 123, 126); to pay alms of that thing which is most endearing. The Quran says: By no means, shall you attain to righteousness until you spend out of what you love (3 : 91 Q.) Alms to the poor is excellent form of charity—23 : 43. Charity from unlawful earnings is not accepted as the sources are tinged with illegality—17 : 301 W. Charity beyond ⅓rd of the property of a man having heirs is unlawful—24 : 342W., as such kind of charity leaves nothing for the maintenance of heirs. There are some kinds of charity called صدقة جارية i. e., ever-running charity which continues to bring constant rewards till the charitable object subsists, such as the foundation of an educational institution, construction of a bridge, orphanage, mosque or compilation of a good religious book guiding the people to the straight path of Islam (1: 43). The position of such kind of charitable persons near Allah is to be greatly envied-37 : 5.

(j) *In charity* there is *no* distinction between Muslims and non-Muslims except in Zakat which cannot lawfully be made on non-Muslims. Besides Zakat, every other alms and charities may be given to men without discrimination. This is based upon a precept of the Holy Prophet who advised that alms should be bestowed upon the poor and the needy.

1. Abu Hurairah reported that the Ms. of Allah said: Who so spends two kinds of a thing out the things in the way of Allah, will be called from

عَنْ اَبِيْ هُرَيْرَةَ قَالَ قَالَ رَسُوْلُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مَنْ اَنْفَقَ زَوْجَيْنِ مِنْ شَيْءٍ

References of Charity. Quran—2 : 261 to 276 : 3 : 91 ; 30 : 39 ; 51 : 19 ; 57 : 18 ; 70 : 25; 93 : 6. Hadis—1 : 2 ; 2 : 25, 36, 123, 124 ; 3 : 142, 65W. 88, 89 : 4 : 99 ; 123 ; 7 : 1 ; 8 : 16, 17, 31, 39, 40, 64 ; 4 : 339 ; 18 : 1, 5 ; 23 : 64, 67 ; 25 : 78 ; 34 : 718.

the doors of Paradise ; and there are doors for Paradise: Whoever comes from those who pray will be called from the door of prayer, and whoever comes from soldiers of 'Zihad' will be called from the door of Zihad ; and whoever comes from persons of charity, will be called from the door of charity ; and whoever comes from men of fasting will be called from the door of *Rayyan*. **Abu Bakr** said that there might be no necessity for anybody who will be called from those doors. Will anybody be called from all those doors ? 'Yes', said he, 'and I hope that you will be one of them.
—*Agreed*

مِنَ الْاَشْيَاءِ فِيْ سَبِيْلِ اللّٰهِ دُعِيَ مِنْ اَبْوَابِ الْجَنَّةِ وَلِلْجَنَّةِ اَبْوَابٌ فَمَنْ كَانَ مِنْ اَهْلِ الصَّلٰوةِ دُعِيَ مِنْ بَابِ الصَّلٰوةِ وَمَنْ كَانَ مِنْ اَهْلِ الْجِهَادِ دُعِيَ مِنْ بَابِ الْجِهَادِ وَمَنْ كَانَ مِنْ اَهْلِ الصَّدَقَةِ دُعِيَ مِنْ بَابِ الصَّدَقَةِ وَمَنْ كَانَ مِنْ اَهْلِ الصِّيَامِ دُعِيَ مِنْ بَابِ الرَّيَّانِ فَقَالَ اَبُوْ بَكْرٍ مَا عَلٰى مَنْ دُعِيَ مِنْ تِلْكَ الْاَبْوَابِ مِنْ ضَرُوْرَةٍ فَهَلْ يُدْعٰى اَحَدٌ مِنْ تِلْكَ الْاَبْوَابِ كُلِّهَا قَالَ نَعَمْ وَاَرْجُوْ اَنْ تَكُوْنَ مِنْهُمْ (مُتَّفَقٌ عَلَيْهِ)

2. **Ja'ber and Huzaifah** reported that the Ms. of Allah said : Every good deed is charity.
—*Agreed*

عَنْ جَابِرٍ وَحُذَيْفَةَ قَالَ قَالَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ كُلُّ مَعْرُوْفٍ صَدَقَةٌ (مُتَّفَقٌ عَلَيْهِ)

3. **Abu Zarr** reported that the Ms. of Allah said : You must not despise a (trifling) thing of good deed though you meet your brother (muslim) with a cheerful countenance
—*Muslim*

عَنْ اَبِيْ ذَرٍّ قَالَ قَالَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ لَا تَحْقِرَنَّ مِنَ الْمَعْرُوْفِ شَيْئًا وَلَوْ اَنْ تَلْقٰى اَخَاكَ بِوَجْهٍ طَلِيْقٍ (مُسْلِمٌ)

4. **Abu Musa al-Ash'ari** reported that the Ms. of Allah said : There is charity on every Muslim. They enquired : If he does not find (means)? He said : Let him work with his both hands thus doing benefit to himself and doing an act of charity. They enquired : If he is unable or does not do ? He said : Then let him assist the needy, the aggrieved. They said :

عَنْ اَبِيْ مُوْسَى الْاَشْعَرِيِّ قَالَ قَالَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ عَلٰى كُلِّ مُسْلِمٍ صَدَقَةٌ قَالُوْا فَاِنْ لَمْ يَجِدْ قَالَ فَلْيَعْمَلْ بِيَدَيْهِ فَيَنْفَعُ نَفْسَهُ وَيَتَصَدَّقُ قَالُوْا فَاِنْ لَمْ يَسْتَطِعْ اَوْ لَمْ يَفْعَلْ قَالَ فَيُعِيْنُ ذَا الْحَاجَةِ الْمَلْهُوْفَ قَالُوْا

If he cannot do it? He said: Then he should enjoin on good. They enquired If he cannot do it? He said: He should then withhold himself from evil-doing, for verily this is a charity for him. —*Agreed*

قال فان لم يفعله قال فيأمر بالخير قالوا فان لم يفعله قال فيمسك عن الشر فانه له صدقة

(متفق عليه)

5 Abu Hurairah reported that the Ms of Allah said: On every joint of men, there is charity on every day in which the sun rises, and doing justice between two men is charity, and assisting a man (to ride) upon his beast that it may carry upon it, or lifting up his luggage towards it is charity, and a good word is charity and every step which he takes towards prayer is charity, and removing harmful things from the pathway is charity. —*Agreed*

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم كل سلامى من الناس عليه صدقة كل يوم تطلع فيه الشمس يعدل بين الاثنين صدقة ويعين الرجل على دابته فيحمل عليها او يرفع عليها متاعه صدقة والكلمة الطيبة صدقة وكل خطوة يخطوها الى الصلوة صدقة ويميط الاذى عن الطريق صدقة

(متفق عليه)

6. Ayesha reported that the Ms. of Allah said: Every man of the children of Adam has been created on 360 joints. Whoever declares Allah to be the greatest, praises Allah, imputes power to Allah, glorifies Allah and begs pardon of Allah and removes from way of men either a stone or a thorn or a bone, or bids good and forbids evil, counts those 360; because he will certainly walk at that time after he has removed himself from the Fire. —*Muslim*

عن عائشة قالت قال رسول الله صلى الله عليه وسلم خلق كل انسان من بني ادم على ستين وثلثمائة مفصل فمن كبر الله وحمد الله وهلل الله وسبح الله واستغفر الله وعزل حجرا عن طريق الناس او شوكة او عظما او امر بمعروف او نهى عن منكر عدد تلك الستين والثلث مائة فانه يمشي يومئذ وقد زحزح نفسه عن النار

(مسلم)

7. **Abu Zarr** reported that the Ms. of Allah said ; Verily there is a charity in evey Tasbih, and there is a charity in every Takbir, and there is a charity in every Tahmid, and there is a charity in every Tahlil, [645] to enjoin on good is a charity, and to forbid evils is a charity, and sexual intercourse of any of you is a charity. They enquired : O prophet of Allah ! does any one of us satisfy his sexual desire with reward therein for him ? He asked : Inform me that if he puts it in an unlawful thing —will it be sin on him ? Likewise, when he puts it in a lawful thing, there is a reward for him therein.

—*Muslim*

عَنْ اَبِي ذَرٍّ قَالَ قَالَ رَسُولُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ اِنَّ بِكُلِّ تَسْبِيحَةٍ صَدَقَةٌ وَكُلِّ تَكْبِيرَةٍ صَدَقَةٌ وَكُلِّ تَحْمِيدَةٍ صَدَقَةٌ وَكُلِّ تَهْلِيلَةٍ صَدَقَةٌ وَاَمْرٌ بِالْمَعْرُوفِ صَدَقَةٌ وَنَهْيٌ عَنِ الْمُنْكَرِ صَدَقَةٌ وَفِي بُضْعِ اَحَدِكُمْ صَدَقَةٌ قَالُوا يَا رَسُولَ اللّٰهِ اَيَاْتِي اَحَدُنَا شَهْوَتَهُ وَيَكُونُ لَهُ فِيهَا اَجْرٌ قَالَ اَرَاَيْتُمْ لَوْ وَضَعَهَا فِي حَرَامٍ كَانَ عَلَيْهِ وِزْرٌ فَكَذٰلِكَ اِذَا وَضَعَهَا فِي الْحَلَالِ كَانَ لَهُ فِيهَا اَجْرٌ (مُسْلِمٌ)

8. **Abu Hurirah** reported that the **Ms.** of Allah said : How good is the charity of a good milch she-camel as a **gift** and a good milch goat as a gift that give one cup of milk in the morning and another in the evening ! *Agreed*

عَنْ اَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ نِعْمَ الصَّدَقَةُ اللِّقْحَةُ الصَّفِيُّ مِنْحَةً وَالشَّاةُ الصَّفِيُّ مِنْحَةً تَغْدُو بِاِنَاءٍ وَتَرُوحُ بِاٰخَرَ (مُتَّفَقٌ عَلَيْهِ)

9 **Abdullah-b-Amr** reported that the **Ms.** of Allah said : Serve the Merciful, give food and spread peace ; you will then enter paradise with peace.

—*Tirmizi, Ibn Majah.*

عَنْ عَبْدِ اللّٰهِ بْنِ عَمْرٍو قَالَ قَالَ رَسُولُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ اُعْبُدُوا الرَّحْمٰنَ وَاَطْعِمُوا الطَّعَامَ وَاَفْشُوا السَّلَامَ تَدْخُلُوا الْجَنَّةَ بِسَلَامٍ (اَلتِّرْمِذِيُّ وَابْنُ مَاجَةَ)

10. **Anas** reported that the Ms. of Allah said : Verily charity appeases

عَنْ اَنَسٍ قَالَ قَالَ رَسُولُ اللّٰهِ صَلَّى

645. Whoever recites the following shall remove hell—fire from himslf ; Allh is Greatest ; all praise is due to Allh ; there is no God but Allh ; glory be to Allah; I seek forgiveness from Allah. These are called Takbir, Tahmid, Tahlil, Tasbih and Taglir respectively.

wrath of the Lord and removes pangs of death.[646]

—*Tirmizi.*

الله عليه وسلم إن الصدقة لتطفئ غضب الرب وتدفع ميتة السوء (الترمذي)

11. Sa'ad-b-Uba'dah reported that he enquired: O Ms. of Allah! verily the mother of Sa'ad has died. So, which charity is the most excellent? He replied, "Water." Then he excavated a well and said: This is for the mother of Sa'ad. —*Abu Daud, Nisai.*

عن سعد بن عبادة قال يا رسول الله إن أم سعد ماتت فأي الصدقة أفضل قال الماء فحفر بئرا وقال هذه لأم سعد (أبو داود والنسائي)

12. Buhaisah from her father reported that he enquired: O Ms. of Allah! what is the thing of which prohibition is not lawful? "Water" replied he. He enquired: O prophet of Allah! what is the thing of which prohibition is not lawful? "Salt" replied he. He enquired: O prophet of Allah! what is the thing of which prohibition is not lawful? He replied: That you do good is better for you.—*Abu Daud.*

عن بهيسة عن أبيها قالت قال يا رسول الله ما الشيء الذي لا يحل منعه قال الماء قال يا نبي الله ما الشيء الذي لا يحل منعه قال الملح قال يا نبي الله ما الشيء الذي لا يحل منعه قال أن تفعل الخير خير لك (أبو داود)

13. Bara'a reported that the Ms. of Allah said: Whoso gives away a gift of milk, or silver, or guides to a lane, there is for him (reward) like emancipation of a neck.

—*Tirmizi.*

عن البراء قال قال رسول الله صلى الله عليه وسلم من منح منحة لبن أو ورق أو هدى زقاقا كان له مثل عتق رقبة (الترمذي)

14. Abu Jorai-Jaber-b-Solaim reported: I came to Medina and saw a man whose opinion pepole obey. He does not say anything but to which they do not bow down. I enquired:

عن أبي جري جابر بن سليم قال أتيت المدينة فرأيت رجلا يصدر الناس عن رأيه لا يقول شيئا إلا صدروا

646. Charity appeases wrath of God just as water extinguishes fire or just as sun's rays remove darkness. Pangs of death are very strong giving constant unbearable sufferings and sometimes death with disbelief. Charity gives an easy death and ensures faith for a believer at the time of his death.

Who is this (man)? They replied: He is the Ms. of Allah. I said twice: On thee peace, O prophet of Allah! He said: Don't say—on thee peace, on thee peace—a greeting of the dead. Say: Peace be on you! I enquired: Are you the Ms. of Allah? He replied: I am the Ms. of Allah; if you call him when any disaster overcomes you, he will (try to) remove it from you. If a year of famine overtakes you and then you call him, he will dispel it from you; when you are in a barren land or a desert and then your riding camel goes astray and you call him, he will return it to you. I said: Make covenant with me. He said: Never abuse any body. He said: Thereafter I rebuked neither a free man, nor a slave, nor a camel, nor a goat. He said: You must not hold in contempt any thing of good; that you talk with your brother (Muslim) extending your face towards him—that is surely a good act. And raise your trouser to half of leg. If you do not agree, than up to the ankles. Be careful of lengthening of trouser because it comes from boast, and verily Allah does not love boast. If a man rebukes you and back-bites you for what he knows about you, don't back-bite him for what you know about him, because it will then be the return of that on him. *Abu Daud.*

عنه قلت من هذا قالوا هذا رسول الله صلى الله عليه وسلم قلت عليك السلام يا رسول الله مرتين قال لا تقل عليك السلام عليك السلام تحية الميت قل السلام عليك قلت انت رسول الله فقال انا رسول الله الذي ان اصابك ضر فدعوته كشفه عنك و ان اصابك عام سنة فدعوته انبتها لك و اذا كنت بارض قفر او فلاة فضلت راحلتك فدعوته ردها عليك قلت اعهد الي قال لا تسبن احدا قال فما سببت بعده حرا ولا عبدا ولا بعيرا ولا شاة قال ولا تحقرن شيئا من المعروف وان تكلم اخاك وانت منبسط اليه وجهك ان ذلك من المعروف وارفع ازارك الى نصف الساق فان ابيت فالى الكعبين واياك واسبال الازار فانها من المخيلة وان الله لا يحب المخيلة وان امرؤ شتمك و عيرك بما يعلم فيك فلا تعيره بما يعلم فيه فانما وبال ذلك عليه (ابو داود) *

15. Ayeshah reported that they sacrificed a goat and then the Ms. of Allah said: Is there any remainder therefrom? She said: Nothing

عن عائشة انهم ذبحوا شاة فقال النبي صلى الله عليه وسلم هل بقي منها قالت

remains except its shoulder. He said: The whole of it remains except its shoulder.[647]

Tirmizi (correct).

مَا بَقِيَ مِنْهَا إِلَّا كَتِفُهَا قَالَ بَقِيَ كُلُّهَا غَيْرَ كَتِفِهَا — اَلتِّرْمِذِيُّ (صَحِيحٌ)

16. Abdullah-b-Mas'ud—raising it (tradition)—reported: There are three whom Allah loves—a man who gets up at night to read the Book of Allah, and a man giving alms with his right hand which he conceals (I consider it that he said) from his left hand; and a man who was in a battalion. His companions were routed while he encountered the enemies. *Tirmizi.*

عَنْ عَبْدِ اللّٰهِ بْنِ مَسْعُودٍ يَرْفَعُهُ قَالَ ثَلَاثَةٌ يُحِبُّهُمُ اللّٰهُ رَجُلٌ قَامَ مِنَ اللَّيْلِ يَتْلُو كِتَابَ اللّٰهِ وَرَجُلٌ يَتَصَدَّقُ بِصَدَقَةٍ بِيَمِينِهِ يُخْفِيهَا (أُرَاهُ قَالَ) مِنْ شِمَالِهِ وَرَجُلٌ كَانَ فِي سَرِيَّةٍ فَانْهَزَمَ أَصْحَابُهُ فَاسْتَقْبَلَ الْعَدُوَّ (اَلتِّرْمِذِيُّ)

17. Anas reported that the Ms. of Allah said: When Allah created the earth, it began to toss. So he created the mountains and ordered them to be (firm) upon it. Then they became firm. The angels marvelled at the strengh of the mountains and asked: O Lord! is there anything in Thy creation stronger than the mountains? He said: Yes, iron. They enquired: O Lord! is there anything in Thy creation which is stronger than iron? He said: Yes, fire. They asked: O Lord! is there anything in Thy creation stronger than fire? He said: Yes, water. Then they asked: O Lord! is there anything in Thy creation stronger than water? He said: Yes, wind. They asked: O

عَنْ أَنَسٍ قَالَ قَالَ رَسُولُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ لَمَّا خَلَقَ اللّٰهُ الْأَرْضَ جَعَلَتْ تَمِيدُ فَخَلَقَ الْجِبَالَ فَقَالَ بِهَا عَلَيْهَا فَاسْتَقَرَّتْ فَتَعَجَّبَتِ الْمَلَائِكَةُ مِنْ شِدَّةِ الْجِبَالِ فَقَالُوا يَا رَبِّ هَلْ مِنْ خَلْقِكَ شَيْءٌ أَشَدُّ مِنَ الْجِبَالِ قَالَ نَعَمْ الْحَدِيدُ فَقَالُوا يَا رَبِّ هَلْ مِنْ خَلْقِكَ شَيْءٌ أَشَدُّ مِنَ الْحَدِيدِ قَالَ نَعَمْ النَّارُ فَقَالُوا يَا رَبِّ هَلْ مِنْ خَلْقِكَ شَيْءٌ أَشَدُّ مِنَ النَّارِ قَالَ نَعَمْ الْمَاءُ فَقَالُوا يَا رَبِّ هَلْ مِنْ خَلْقِكَ شَيْءٌ أَشَدُّ مِنَ الْمَاءِ قَالَ نَعَمْ الرِّيحُ فَقَالُوا

647. The thing which is given to the people in charity shall remain for all time to come and the thing which is in house shall waste away. The Quran says: What is with you will perish and what is with Allah will remain.

Lord ! is there anything in Thy creation stronger than wind ? He replied : yes, the son of Adam giving alms with his right hand concealing it from his left. *Tirmizi* (*Rare*).

يارب هل من خلقك شيء اشد من الريح قال نعم ابن آدم تصدق صدقة بيمينه يخفيها من شماله (الترمذي) (غريب)

18. Abu Zarr reported that the Ms. of Allah said : There is no Muslim servant spending two kinds of each of his property in the way of Allah but the guards of paradise would not welcome him. Every one of them will call him towards what will be near him. I enquired : How will that be ? He said : If there be camels, then two camels ; and if there be cattle, then two cows. —*Nisai.*

عن ابي ذر قال قال رسول الله صلى الله عليه وسلم ما من عبد مسلم ينفق من كل مال له زوجين في سبيل الله الا استقبلته حجبة الجنة كلهم يدعوه الى ما عنده قلت وكيف ذلك قال ان كانت ابلا فبعيرين وان كانت بقرة فبقرتين * (النسائي)

19. Jainab, wife of Abdullah-b-Mas'ud reported that the Ms. of Allah said : O congregation of women ! give alms though from your ornaments. She said : Then I returned to Abdullah and said : You are a man of little means and the Ms. of Allah has called for alms. So go to him and ask him. If that makes amends of me, (it is good) ; or else I shall spend it for others besides you. [648] She said : Abdullah said to me : Rather you go to him. Then I went when lo ! a woman of the Ansars was at the door of the prophet.

عن زينب امرأة عبد الله بن مسعود قالت قال رسول الله صلى الله عليه وسلم تصدقن يا معشر النساء تصدقوا ولو من حليكن قالت فرجعت الى عبد الله فقلت انك رجل خفيف ذات اليد وان رسول الله صلى الله عليه وسلم قد امرنا بالصدقة فأته فسئله فان كان ذلك يجزي عني والا صرفتها الى غيركم قالت فقال لي عبد الله بل ائتيه انت فانطلقت فاذا امرأة من الانصار بباب رسول الله صلى الله عليه وسلم

648. The woman intended to spend for her poor husband and children instead of giving alms to strangers as sought by the Prophet. Prophet promised double rewards for charity towards relatives.

My need was her need. She said that gravity was then thrown over the Prophet. She said: Bilal came out to us and we said to him: Go to the Holy Prophet and inform him: Two women at the door are asking you: will charity from them upon their husbands and upon their orphan children in their laps suffice you? And don't tell him who we are. Then Bilal went to the Prophet and asked him. The Prophet said: Who are they? He said: A woman of the Ansars and Jainab. Then the prophet asked: Who among Jainabs? He replied: Wife of Abdullah. The Holy Prophet said: There will be two rewards for them—the reward of relationship and the reward of charity.

—*Agreed.*

حاجتي حاجتها قالت وكان رسول الله صلى الله عليه وسلم قد ألقيت عليه المهابة قالت فخرج علينا بلال فقلنا له ائت رسول الله صلى الله عليه وسلم فأخبره أن امرأتين بالباب تسألانك أتجزي الصدقة عنهما على أزواجهما وعلى أيتام في حجورهما ولا تخبره من نحن فدخل بلال على رسول الله صلى الله عليه وسلم فسأله فقال له رسول الله صلى الله عليه وسلم من هما قال امرأة من الأنصار وزينب فقال له رسول الله صلى الله عليه وسلم أي الزيانب قال امرأة عبد الله فقال رسول الله صلى الله عليه وسلم لهما أجران أجر القرابة وأجر الصدقة (متفق عليه) *

20. Ibn Abbas reported that the Ms. of Allah said: Should I not inform you about the best of men?—a man holding the rein of his horse in the way of Allah. Should I not inform you about one with whom shelter is to be sought?—a man keeping alone among his flock of sheep, paying the dues of Allah therefor. Should I not inform you about the worst of men?—a man who is begged of in the name of Allah but who does not give for Him. —*Tirmizi, Nisai.*

عن ابن عباس قال قال رسول الله صلى الله عليه وسلم ألا أخبركم بخير الناس رجل ممسك بعنان فرسه في سبيل الله ألا أخبركم بالذي يتلوه رجل معتزل في غنيمة له يؤدي حق الله فيها ألا أخبركم بشر الناس رجل يسأل بالله ولا يعطي به (الترمذي والنسائي)

21. **Umme Buzaid** reported that the Messenger of Allah said: Return the beggar though with a cooked hoof.

Malek, Nisai.

عن ام بجيد قالت قال رسول الله
صلى الله عليه وسلم ردوا السائل ولو
بظلف محرق (مالك والنسائي)

22. **Ibn Omar** reported that the Messenger of Allah said: Whoso seeks shelter to you in the name of Allah, give him shelter; and whoso beggs in the name of Allah, give him; and whoso invites you, respond to him; and whoso does any good to you, then give him a return (good), and if you do not find what you will return to him, pray for him till you consider that you have given him a return (good).

Ahmad, Abu Daud, Nisai.

عن ابن عمر قال قال رسول الله صلى
الله عليه وسلم من استعاذ منكم بالله
فاعيذوه ومن سأل بالله فاعطوه ومن
دعاكم فاجيبوه ومن صنع اليكم معروفا
فكافئوه فان لم تجدوا ما تكافئوه فادعوا
له حتى تروا انكم قد كافأتموه (احمد
وابو داود والنسائي)

23. **Ja'ber** reported that the Messenger of Allah said: Nothing but paradise should be begged for the sake of Allah.

Abu Daud.

عن جابر قال قال رسول الله صلى الله
عليه وسلم لا تسئل بوجه الله الا الجنة
(ابو داود)

23a. **Abu Hurairah** and **Hakim-b-Hejam** reported that the Messenger of Allah said: The best charity is what is given upon the back of contentment; and begin first with those related to you.

Bukhari, Muslim.

عن ابي هريرة وحكيم ابن حزام قالا قال
رسول الله صلى الله عليه وسلم خير
الصدقة ما كان عن ظهر غنى وابدا بمن
تعول (البخاري ومسلم)

246w. **Ja ber** reported that the Messenger of Allah said: Whoso reclaims a dead land, there is for him a reward therein; and what a peaceful man eats therefrom, it is for him a charity.

Darimi.

عن جابر قال قال رسول الله صلى الله
عليه وسلم من احيى ارضا ميتة فله فيها
اجر وما اكلت العافية منه فهو له صدقة
(الدارمي)

247w. **Marsad-b-Abdullah** reported: Some of the companions of the

عن مرثد بن عبد الله قال حدثني

Holy Prophet informed me that he heard the Prophet say: Surely the shade of the believer on the Resurrection Day will be his charity.

Ahmad.

بعض أصحاب رسول الله صلى الله عليه وسلم أنه سمع رسول الله صلى الله عليه وسلم يقول إن ظل المؤمن يوم القيامة صدقته (احمد)

248w. **Ibn Mas'ud** reported that the Messenger of Allah said: Whoso is open-handed in expenditure for his family on the Ashura' day, Allah will supply him ample provision throughout his whole year.[648a]

Razin, Baihaqi.

عن ابن مسعود قال قال رسول الله صلى الله عليه وسلم من وسع على عياله في النفقة يوم عاشوراء وسع الله عليه سائر سنته (رزين و البيهقي)

249w. **Abu Omamah** reported that Abu Zarr had enquired: O Prophet of Allah! inform me about charity, what is it? He replied: Multiplying rewards manifold and to Allah there is more.

Ahmad.

عن ابي امامة قال قال ابو ذر يا نبي الله ارأيت الصدقة ما هي قال أضعاف مضاعفة و عند الله المزيد (احمد)

250w. **Ali** reported that the Messenger of Allah said: Hasten with your charity because disaster does not tread it.

Razin.

عن علي قال قال رسول الله صلى الله عليه وسلم عجلوا بصدقتكم لان لا يتخطاها البلاء (رزين)

SECTION—2

649 Niggardliness and Expenditure.

(a) *Middle course is the best. Nifqa or Infaq,* in the language of Islamic law, signifies expense for those things which are necessary for the support of a life; such as food, clothing and lodging. It therefore means expenditure or maintenance of oneself and family-members consisting of wives, children, servants and slaves. It may also mean expenditure for others who are in like wants. Expenditure beyond this is extravagance. The opposite attribute of extravagance is miserliness. The miser is not one who is not charitably disposed to others, but the miser is one who does not spend what is absolutely necessary

648a. That is the day on the 10th of Moharram It is on this day that Abraham was born and died Sufyan said that he examined the truth of this tradition and found it correct.

for him and his family. Such expenses vary in proportion to riches. There can be no fixed landmark of expense. Restraining of one's hand where expense is necessary means miserliness; and expense where restraint is necessary is extravagance. Therefore the two extremes—extravagance and miserliness are both bad in the eye of Islam and the middle course is the best. The Holy Quran says: The extravagants are the brothers of the devils (17 : 27 Q). Don't make your hand shackled to your neck, nor stretch it forth to the utmost of its stretching lest you should sit down, blamed, stripped off (17 : 29 Q). Those when they spend do not spend extravagantly nor are miserly, but they are standing between these two (Quran).

(b) *Miserliness condemned by Islam* : The Quran says: And don't think about those who are miserly with what Allah gave them out of His wealth that it is good for them, but it is bad for them. They will soon be punished with what they are miserly with on the Resurrection Day. The Holy Prophet said: There are two traits of character which do not unite in a believer—miserliness and bad conduct (1 : 48). The miser shall not enter Paradise (8 : 87). Behold! you are those who are called upon to spend in Allah's way, but among you are those who are niggardly, and whoever is niggardly is niggardly against his own soul – 47 : 38 Q.

Prophet said: Fear niggardliness, because it destroyed those who were before you. It led them to the extent that they shed their bloods and knew unlawful things as lawful-4 : 14. The first evil act of the Muslims will be miserliness – 4 : 147 w. The Holy Prophet enquired: Shall I not inform you about inmates of Hell—every ignoble miserly proud man –4 : 227. The worst of what is in man is extreme miserliness and extreme cowardice—4 : 251.

(c) *Midicine to remove miserliness* : The diognosis of the disease of miserliness is love for wealth which again springs from two causes —greed for wordly things and greed for the corpus of the property itself. Therefore if these things can be destroyed by a mixtured medicine of knowledge and action, the disease may be cured. Knowledge consists in the fact that one must know the evil effects of miserliness and merits of charity. Action consists in spending wealth in the way of Allah. The mixture of these two things will remove the disease. The miserly man should ponder over the fact that the treasures of the world are in the control of Allah. If He pleases, He may turn all earth into mines of gold and silver thereby enriching the owner of the earth. The Quran says: Say, if you control the treasures of the mercy of my Lord, then you would withhold (them) from fear of spending, and man is niggardly (17 ; 100Q).

The recollection of punishment for miserliness goes a great way towards removing this bad attribute. The Quran says: Those who are niggardly, and teach people to be niggardly, and hide what Allah has given them out of His grace, We have prepared for the unbelievers a painful chastisement (4 : 37 Q). And as for him who is niggardly and considers himself free from want (of Allah) and rejects the best, We will faciliate for him the difficult end, and his wealth will not avail him when he perishes—92: 8-11 Q.

(d) Prophet free from greed of wealth and his dislike for hoarding—8 : 24, 44, 253w, 254w 355w ; sin of debt is great—8 : 24 ; parables of the miser and charitable men—8 : 29, 256w ; enormous wealth in latter days—8 : 31 ; best charity—8 : 32 ; charitable man is near Allah, Paradise and men, while the miserly man is far off from them—8 : 34 ; charity at death—8 : 35 ; diplomat and hard hearted shall not enter Paradise—8 : 37 ; among prophet's wives, Jainab died first after prophet—8 : 39 ; charity to committers of crimes is lawful—8 : 40 ; limit to charity—8 : 41 ; worst man is one who refuses charity when begged—8 : 252w.

24. **Abu Hurairah** reported that the **Messenger** of Allah said: Had there been gold for me like the mount of Uhud, it would have pleased me that three nights should not pass over me with something with me therefrom except what I should keep in wait for debt. [650]. *Bukhari*

عَنْ اَبِيْ هُرَيْرَةَ قَالَ قَالَ رَسُوْلُ اللهِ صَلَّي اللهُ عَلَيْهِ وَسَلَّمَ لَوْكَانَ لِيْ مِثْلُ اُحُدٍ ذَهَبًا لَسَرَّنِيْ اَنْ لَا يَمُرَّ عَلَيَّ ثَلٰثُ لَيَالٍ وَعِنْدِيْ مِنْهُ شَيْءٌ اِلَّا اَرْصُدُهُ لِدَيْنٍ * (اَلْبُخَارِيْ)

25. **Same** reported that the Messenger of Allah said: There is no day wherein a servant gets up at morning but two angels do not come down. One of them says: O Allah! give the liberal man success. Another says: O Allah! give the miser destruction. *Agreed.*

عَنْهُ قَالَ قَالَ رَسُوْلُ اللهِ صَلَّي اللهُ عَلَيْهِ وَسَلَّمَ مَا مِنْ يَوْمٍ يُصْبِحُ الْعِبَادُ فِيْهِ اِلَّا مَلَكَانِ يَنْزِلَانِ فَيَقُوْلُ اَحَدُهُمَا اَللّٰهُمَّ اَعْطِ مُنْفِقًا خَلَفًا وَيَقُوْلُ الْاٰخَرُ اَللّٰهُمَّ اَعْطِ مُمْسِكًا تَلَفًا (مُتَّفَقٌ عَلَيْهِ)

26. **Asma**'a reported that the Me. of Allah said: Spend and don't count lest Allah counts for you, and don't

عَنْ اَسْمَاءَ قَالَتْ قَالَ رَسُوْلُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ اَنْفِقِيْ وَلَا تُحْصِيْ

650. Debt is a more important duty than charity. Charity should not be given by a debtor who is willing to pay his debt. The Holy Prophet said that he would have given mountain-load of gold in charity if it would have come to his possession except something sufficient for payment of debt.

hoard up lest Allah withhold from you[651]. Spend what you can. *Agreed.*

فيحصي الله عليك ولا توعي فيوعي الله عليك ارضخي ما استطعت (متفق عليه)

27. **Abu Hurairah** reported that the Ms. of Allah said: The Almighty Allah says: O son of Adam! spend, you will then be spent for.[652] *Agreed.*

عن ابي هريرة قال قال رسول الله صلعم قال الله تعالى انفق يا ابن آدم انفق عليك (متفق عليه)

28. **Abu Omamah** reported that the Ms. of Allah said: O son of Adam! that you spend wealth is good for you and that you withhold it is bad for you, and you should not be backbited for miserliness. And begin with those who are in your family. *Muslim.*

عن ابي امامة قال قال رسول الله صلى الله عليه وسلم يا ابن آدم ان تبذل الفضل خير لك وان تمسكه شر لك ولا تلام على كفاف وابدأ بمن تعول (مسلم)

29. **Abu Hurairah** reported that the Ms. of Allah said: The likeness of the miser and the charitable man is like the likeness of two men upon whom there are two helmets of iron which their hands tied

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم مثل البخيل والمتصدق كمثل رجلين عليهما جنتان من حديد قد اضطرت ايديهما الى ثديهما

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651. If you keep strict account of your charity, Allah will also keep strict account of His gifts and wealth on you. This principle applies everywhere. Suppose a rich father gave his son some coins of silver and then asked for one of them. He did not return it fearing that it would fall short of purchasing sweets. His father laughed and said: How foolish is the boy! He does not understand where the money comes from. Had he returned it to him, he could have given him more, because a father, when thus pleased with his son, gives more. The case is true also in case of the Almighty Father in case of gifts to men.

652. You will be given wealth and rewards from the treasures of Allah in case you give away in charity, because a cistern which is vacated is usually filled up and that which remains filled up without consumption is not at all filled up. The Quran says: And whatever thing you spend, it will be given in exchange.

653. First of all, every man should provide the necessaries of the family members and then there is the question of charity in case of surplus. In such a case, gift to family members will bring greater rewards than gifts to the strangers.

up to their chests and throats. Whenever the charitable man gives alms, it loosens for him ; and whenever the miser intends to give alms, it tightens up and overtakes every ring in its place.

Agreed.

وتراقيهما فجعل المتصدق كلما تصدق بصدقة انبسطت عنه وجعل البخيل كلما هم بصدقة قلصت وأخذت كل حلقة بمكانها (متفق عليه)

30. **Abu Hurairah** reported from the Ms. of Allah who said : Cursed is the owner of gold and cursed is the owner of silver

Tirmizi.

عن ابي هريرة عن النبي صلى الله عليه وسلم قال لعن عبد الدينار ولعن عبد الدرهم (الترمذي)

31. **Haresah-b-Wahab** reported that the Ms. of Allah said : Give alms because there shall come a time over you in which a man will roam with his alms but will find no body fit to accept it. The man will say : Had you brought it yesterday, I could have accepted it. As for to-day, I have got no need of it.

Agreed.

عن حارثة بن وهب قال قال رسول الله صلى الله عليه وسلم تصدقوا فانه يأتي عليكم زمان يمشي الرجل بصدقته فلا يجد من يقبلها يقول الرجل لو جئت بها بالامس لقبلتها فاما اليوم فلا حاجة لي بها (متفق عليه)

32. **Abu Hurairah** reported that a man enquired : O Ms. of Allah ![654] which charity is the greatest in reward? He replied : Your charity while you are sound, greedy, fear poverty and hope for riches. Don't put off till when it reaches the throat you say : Such and such is for so and so, and such and such is for so and so, while it belonged to so and so. *Agreed.*

عن ابي هريرة قال قال رجل يا رسول الله اي الصدقة اعظم اجرا قال ان تصدق وانت صحيح شحيح تخشى الفقر وتأمل الغنى ولا تمهل حتى اذا بلغت الحلقوم قلت لفلان كذا ولفلان كذا وقد كان لفلان (متفق عليه)

33. **Abu Zarr** reported : I reached the Holy Prophet while

عن ابي ذر قال انتهيت الى النبي

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654. The greatest merit in reward lies in the charity which is given by a man when sound, poor and strong ; because a diseased man or a man at death-bed has got no future fear of poverty as he is at death's door.

he was seated under the shade of the Ka'ba. When he saw me, he said : By the Lord of the Ka'ba ! they are the losers. I said : Sacrifice to thee be my father and mother ! who are they ? He said : They are those who increase properties except one who says : Such as this, such as this and such as this from his front and from his back and from his right and from his left ; and few are they. *Agreed.*

صلى الله عليه وسلم وهو جالس في ظل الكعبة فلما رآني قال هم الأخسرون ورب الكعبة فقلت فداك أبي وأمي من هم قال هم الأكثرون أموالا إلا من قال هكذا وهكذا وهكذا من بين يديه ومن خلفه وعن يمينه وعن شماله وقليل ما هم (متفق عليه)

84. **Abu Hurairah** reported that the Ms. of Allah said : The generous man is near Allah, near Paradise, near men, far off from the fire ; and the miser is far off from Allah, far off from Paradise, far off from men ; near the fire, and the illiterate generous man is dearer to Allah than the worshipper who is miser. *Tirmizi.*

عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم السخي قريب من الله قريب من الجنة قريب من الناس بعيد من النار والبخيل بعيد من الله بعيد من الجنة بعيد من الناس قريب من النار ولجاهل سخي أحب إلى الله من عابد بخيل (الترمذي)

85. **Abu Darda'a** reported that the Ms. of Allah said : The likeness of one who gives alms at the time of his death, or emancipates (a captive) is like one who gives present when satisfied with food. **Ahmad, Nisai, Darimi, Tirmizi** (*Correct*).

عن أبي درداء قال قال رسول الله صلى الله عليه وسلم مثل الذي يتصدق عند موته أو يعتق كالذي يهدي إذا شبع أحمد والنسائي والدارمي والترمذي (صحيح)

86. **Abu Sayeed** reported that the Ms. of Allah said ; There are

عن أبي سعيد قال قال رسول الله

two traits which do not unite in a believer—miserliness and bad conduct. *Tirmizi.*

صلعم خصلتان لا تجتمعان في مؤمن البخل وسوء الخلق (الترمذي)

37. **Abu Bakr Siddiq** reported that the Ms of Allah said : Neither the diplomat, nor the miser, nor the hard-hearted shall enter Paradise.[655] *Tirmizi.*

عن ابي بكر الصديق قال قال رسول الله صلى الله عليه وسلم لا يدخل الجنة خب ولا بخيل ولا منان (الترمذي)

38. **Abu Saeed** reported that the Ms. of Allah said : A man's giving a dirham in charity in his life-time is better for him than his giving 100 dirhams in charity at the time of his death. *Abu Daud.*

عن ابي سعيد قال قال رسول الله صلى الله عليه وسلم لان يتصدق المرء في حياته بدرهم خير له من ان يتصدق بمائة عند موته (ابو داود)

39. **Ayesha** reported that some of the prophet's wives asked the Holy Prophet : Who among us will be the soonest in reaching you ? He replied : The longest of you in hand. So they took a rod with which they took measurement. And Sauda was the longest of them in hand. We came to know afterwards that the length of her hand meant alms-giving. It was Jainab who reached him earliest among us, and she used to love alms-giving (**Bukhari**). In a narration of Muslim she said that the Ms. of Allah said : The soonest of you who

عن عائشة ان بعض ازواج النبي صلى الله عليه وسلم قلن للنبي صلى الله عليه وسلم اينا اسرع بك لحوقا قال اطولكن يدا فاخذوا قصبة يذرعونها وكانت سودة اطولهن يدا فعلمنا بعد انما كان طول يدها الصدقة وكانت اسرعنا لحوقا به زينب وكانت تحب الصدقة (البخاري) وفي رواية مسلم قالت قال رسول الله صلى الله عليه وسلم اسرعكن لحوقا

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655. They will not enter Paradise except after punishment in Hell-fire.

will meet me is the longest of you in hand. She said: Then they (wives) were measuring who was longest in hand. She said: The longest of us was seen to be Jainab, because she used to work with her own hand and give alms.

بي اطولكن يدا قالت وكانت يتطاولن
أيتهن اطول يدا قالت فكانت اطولنا
يدا زينب لأنها كانت تعمل بيدها
وتصدق

40. **Abu Hurairah** reported that the Ms. of Allah narrated that a man said: I must give alms. So he came out with his alms and placed it in the hand of a thief. Then at dawn, they began to talk that alms were given last night to a thief. So he said: O Allah! all praise is for Thee over a thief, I shall surely give alms. Then he came out with alms and put it in the hand of a prostitute At dawn, they (people) began to talk that alms were given last night to a prostitute. So he said. O Allah! all praise is for Thee over a prostitute. I must give alms. So he came out with alms and placed it in the hand of a rich man. Then at dawn they began to talk that alms were given to a rich man So he said: O Allah! all praise is for Thee over a thief, and a prostitute and a rich man. So he was brought (to prophet) and it was said to him: As for your alms to a thief, most likely he will desist from his act of theft, and as for the fornicatress, most likely she will abstain from her fornication, and as for the rich man,

عن أبي هريرة أن رسول الله
صلى الله عليه وسلم قال قال رجل
لأتصدقن بصدقة فخرج بصدقته
فوضعها في يد سارق فأصبحوا يتحدثون
تصدق الليلة على سارق فقال اللهم لك
الحمد على سارق لأتصدقن بصدقة
فخرج بصدقته فوضعها في يد زانية
فأصبحوا يتحدثون تصدق الليلة على
زانية فقال اللهم لك الحمد على زانية
لأتصدقن بصدقة فخرج بصدقته
فوضعها في يد غني فأصبحوا يتحدثون
تصدق على غني قال اللهم لك
الحمد على سارق وزانية وغني
فأتي فقيل له أما صدقتك على
سارق فلعله أن يستعف عن سرقته
وأما الزانية فلعلها أن تستعف عن

most likely he will take lesson and spend of what Allah has bestowed on him [656] *Agreed.*

زناها وأما الغني فلعله يعتبر فينفق
مما أعطاه الله (متفق عليه)

41. Abu Hurairah reported from the Holy prophet who said: While a man was in a field of earth, he heard a voice in a cloud: Give water to the garden of so and so, then that cloud drew to a side and showered its water on a stony plain. Suddenly a drain from these drains flowed down that water, the entire of it, and then he began to follow the water, when lo! he found a man standing in his garden changing the course of water with his instrument. He asked him: O Abdullah! what is your name? He said: So and so a name which he heard in the cloud. He asked him: O Abdullah! why do you ask me my name? He replied: Verily I heard a voice in cloud from which this water came saying: Give water to the garden of so and so of your name. What then will you do in it? He said: When you utter this, I am certainly looking for what comes out therefrom so that I may give away its ⅓rd, and I and my family may eat ⅓rd, and return its ⅓rd to it.

Muslim.

عن أبي هريرة عن النبي صلعم
قال بينا رجل بفلاة من الأرض فسمع
صوتا في سحابة ن اسق حديقة فلان
فتنحى ذلك السحاب فأفرغ ماءه
في حرة فإذا شرجة من تلك الشراج
قد استوعبت ذلك الماء كله فتتبع
الماء فإذا رجل قائم في حديقته يحول الماء
بمسحاته فقال له يا عبد الله ما اسمك
قال فلان الاسم الذي سمع في السحابة
فقال له يا عبد الله لم تسألني عن
اسمي فقال إني سمعت صوتا في السحاب
الذي هذا ماؤه يقول اسق حديقة فلان
لاسمك فما تصنع فيها قال أما إذا قلت
هذا فإني أنظر إلى ما يخرج منها
فأتصدق بثلثه وآكل أنا وعيالي ثلثا
وأرد فيها ثلثه (مسلم)

656. This shows that charity should be given without any discrimination and for lawful purpose so far as it is within one's knowledge. As Allah sends rain without any discrimination for benefit of all classes of men beasts, animals etc., the generous man should not likewise have any distinction in charity. Need is the principle of charity and not distinction.

42. Abu Hurairah reported that he heard the Holy prophet say: Verily there were three (persons) of the Israilites—leprous, bald-headed and blind. Allah intended to examine them. So He sent to them an angel. He came to the leprous man and said: What thing is dearest to you? He said: Beautiful colour and beautiful skin, and that dirt which people dislike of me should go away from me. Then he rubbed him and the dirt vanished from him and a beautiful colour and a good skin were given to him. He asked: What property is dearest to you? He said: Camel (or he said: Cow. Ishaq was doubtful whether he was the leprous man or the bald-headed man. One of the two said—camel, and another said—cow). Then he was given a beautiful she camel. He said: May Allah bless you therein! Then he came to the bald-headed man and said: What thing is dearest to you? He said: Fine hair, and the dirty thing which is disliking to men should go away from me. Then he rubbed him and it went away and he was given fine hair. He asked: What property is dearest to you (now)? He said: Cow. Then he was given a pregnant cow. He said: May Allah bless you therein! Then he came to the blindman and asked: What thing is dearest to you? He said: It is that Allah should restore my eye-sight to me, so that I might see the people. He then

عن ابي هريرة انه سمع النبي صلعم
يقول ان ثلثة من بني اسرائيل ابرص
واقرع واعمى فاراد الله ان يبتليهم فبعث
اليهم ملكا فاتى الابرص فقال اي شيء
احب اليك قال لون حسن وجلد حسن
ويذهب عني الذي قد قذرني
الناس فمسحه فذهب عنه قذره
واعطي لونا حسنا وجلدا حسنا قال
فاي المال احب اليك قال الابل
او قال البقر شك اسحق الا ان الابرص
او الاقرع قال احدهما الابل وقال
الآخر البقر فاعطي ناقة عشراء فقال بارك
الله لك فيها فاتى الاقرع فقال اي
شيء احب اليك قال شعر حسن
ويذهب عني هذا الذي قد قذرني
الناس فمسحه فذهب عنه
واعطي شعرا حسنا قال فاي المال
احب اليك قال البقر فاعطي بقرة
حاملا قال بارك الله لك فيها فاتى
الاعمى فقال اي شيء احب اليك
قال ان يرد الله الي بصري فابصر به

rubbed him and Allah returned his eye-sight to him. He (again) asked: What property is dearest to you? He said: Sheep. Then he was given a goat capable of producing many young ones. These two gave birth and this produced (young ones). This valley is for camels and this valley is for cows and this valley is for sheep. Then he came to the leprous man in his form and appearance and said: (I am) a poor man; my goods have been spoiled in my journey; and so there is no (means of) reaching of mine to day (to my house) except with the help of Allah. Then I beg of you (of a camel) in the name of One who gave you the beautiful colour and fine skin and the property of camel, so that I may reach by it in my journey. He said: The duties are manifold. He said: Verily I know you as it were. Were you not a leprous man? The people disliked you as being needy. Then Allah gave you wealth. He said: Verily I have got this vast property by inheritance from a great man. He said: If you are a liar, may Allah restore you to what you were! Then he came to the bald-headed man in his appearance He said to him what he had said to this man, and he refused him like what the former had refused him. He said: If you are a liar, may Allah take you back to what you were. Then he came to the blind man in his form and

النَّاسَ فَمَسَحَهُ فَرَدَّ اللّٰهُ اِلَيْهِ بَصَرَهُ
قَالَ فَأَيُّ الْمَالِ اَحَبُّ اِلَيْكَ قَالَ
الْغَنَمُ فَاُعْطِيَ شَاةً وَالِدًا فَاَنْتَجَ هٰذَانِ
وَوَلَّدَ هٰذَا فَكَانَ لِهٰذَا وَادٍ مِّنَ الْاِبِلِ
وَلِهٰذَا وَادٍ مِّنَ الْبَقَرِ وَلِهٰذَا وَادٍ مِّنَ
الْغَنَمِ * ثُمَّ اِنَّهُ اَتَى الْاَبْرَصَ فِيْ صُوْرَتِهِ
وَهَيْئَتِهِ فَقَالَ رَجُلٌ مِسْكِيْنٌ قَدِ انْقَطَعَتْ
بِيَ الْحِبَالُ فِيْ سَفَرِيْ فَلَا بَلَاغَ لِيَ الْيَوْمَ
اِلَّا بِاللّٰهِ ثُمَّ بِكَ اَسْاَلُكَ بِالَّذِيْ اَعْطَاكَ
اللَّوْنَ الْحَسَنَ وَالْجِلْدَ الْحَسَنَ وَالْمَالَ
بَعِيْرًا اَتَبَلَّغُ بِهِ فِيْ سَفَرِيْ فَقَالَ الْحُقُوْقُ
كَثِيْرَةٌ فَقَالَ اِنَّهُ كَاَنِّيْ اَعْرِفُكَ اَلَمْ تَكُنْ
اَبْرَصَ يَقْذَرُكَ النَّاسُ فَقِيْرًا فَاَعْطَاكَ
اللّٰهُ فَقَالَ اِنَّمَا وَرِثْتُ هٰذَا الْمَالَ كَابِرًا
عَنْ كَابِرٍ فَقَالَ اِنْ كُنْتَ كَاذِبًا فَصَيَّرَكَ
اللّٰهُ اِلٰى مَا كُنْتَ وَاَتَى الْاَقْرَعَ فِيْ
صُوْرَتِهِ فَقَالَ لَهُ مِثْلَ مَا قَالَ لِهٰذَا وَرَدَّ
عَلَيْهِ مِثْلَ مَا رَدَّ عَلٰى هٰذَا فَقَالَ اِنْ
كُنْتَ كَاذِبًا فَصَيَّرَكَ اللّٰهُ اِلٰى مَا كُنْتَ
وَاَتَى الْاَعْمٰى فِيْ صُوْرَتِهِ وَهَيْئَتِهِ فَقَالَ

appearance. He said : A poor man and a traveller. My properties have been spoiled in my journey. So there is no (means of) reaching to-day except with the help of Allah. So I beg of you a goat in the name of One who returned you your eye-sight, so that I may reach (my destination) by its help in my journey. He said: Verily I was a blind man and then Allah returned my eye-sight to me. So take what you wish and leave what you wish. By Allah, I shall not put you in difficulty with anything to-day which you take for Allah. He said : Keep your property, verily you all have been tried. He is pleased with you and displeased with your two companions. *Agreed.*

رجل مسكين و ابن سبيل انقطعت بي الحبال في سفري فلا بلاغ لي اليوم الا بالله ثم بك اسألك بالذي رد عليك بصرك شاة اتبلغ بها في سفري فقال قد كنت اعمى فرد الله الي بصري فخذ ما شئت ودع ما شئت فو الله لا اجهدك اليوم بشيء اخذته لله فقال امسك مالك فانما ابتليتم فقد رضي عنك و سخط على صاحبيك (متفق عليه) *

43. Umme-Bozaid reported : I enquired : O Ms. of Allah ! verily a poor man waits at my door till I am put to shame. I don't find in my house what I shall place in his hand. Then the **Ms.** of Allah said : Place in his hand even a cooked hoof.—**Ahmad, Abu Daud, Tirmizi**.

عن ام بجيد قالت قلت يا رسول الله ان المسكين ليقف على بابي حتى استحيي فلا اجد في بيتي ما ادفع في يده فقال رسول الله صلى الله عليه وسلم ادفعي في يده ولو ظلفا محرقا (احمد و ابو داود و الترمذي)

44. Oqbah-b-al-Hares reported : I said the after-noon prayer behind the Prophet at Medinah and then he uttered salam. Afterwards he suddenly got up and stepped over the necks of men towards one of the rooms of his wives The people got frightened owing to his hastiness. He then came out to them and noticed that they were wondered at his hastiness. He said : I remembered (to have kept) a piece of gold

عن عقبة بن الحارث قال صليت وراء النبي صلى الله عليه وسلم بالمدينة العصر فسلم ثم قام مسرعا فتخطى رقاب الناس الى بعض حجر نسائه ففزع الناس من سرعته فخرج عليهم فرأى انهم قد عجبوا من سرعته قال ذكرت شيئا من تبر

with me and I dislikod that it might inprison me. So I ordered for its distribution. —*Bukhari.*

عندنا فكرهت أن يحبسني فأمرت بقسمته (البخاري)

251w. A slave of Osman reported : Umme Salamah was presented a piece of meat (and the Holy Prophet used to like meat); so she said to the maid : Keep it in the house so that the Holy Prophet may eat it Then she put it in a corner of the house. Then came a bagger and took his stand at the door and said: Give alms, may Allah grant abundance to you ! They said : May Allah grant abundance to you. The beggar went away. Then came the Prophet and said : O Umme Salamah ! have you got with you anything with which I should feed him ? 'Yes,' answered she. She said to the maid, 'Go and bring that meat to the Ms. of Allah. Then she went away, but did not find in the pot but a piece of white stone Then the Prophet said : Verily that is the meat turned into a white stone on account of the fact that you did not give it to the beggar.

—*Baihaqi*

عن مولى لعثمان قال أهدي لأم سلمة بضعة من لحم وكان النبي صلى الله عليه وسلم يعجبه اللحم فقالت للخادم ضعيه في البيت لعل النبي صلى الله عليه وسلم يأكله فوضعته في كوة البيت وجاء سائل فقام على الباب فقال تصدقوا بارك الله فيكم فقالوا بارك الله فيك فذهب السائل فدخل النبي صلعم فقال يا أم سلمة هل عندكم شيء أطعمه فقالت نعم قالت للخادم اذهبي فأتي رسول الله صلعم بذلك اللحم فذهبت فلم تجد في الكوة إلا قطعة مروة فقال النبي صلعم فإن ذلك اللحم عاد مروة لما لم تعطوه السائل (البيهقي)

252w. Ibn Abbas reported that the Holy Prophet said : Shall I not inform you about the worst of men in position ? 'Yes', it was replied. He said: One who is begged alms in the name of Allah but who does not give it. —*Ahmad*

عن ابن عباس قال قال رسول الله صلعم ألا أخبركم بشر الناس منزلا قيل نعم قال الذي يسأل بالله ولا يعطي به — (أحمد)

253w. Abu Zarr reported that he sought permission of Osman, and so permission was given to him. And there was his stick in his hand. Osman said: O Ka'ab! verily Abdur Rahman has died and left property. What is your opinion about it? He said: If he used to pay therein the duty of Allah (Zakat), then no harm in it. Abu Zarr raised his stick and smote Ka'ab and said: I heard the Ms. of Allah say: I don't like that if there be this mountain (Uhud) for me full of gold that I should spend it and it be accepted from me, I should leave behind me six waqiahs therefrom. O Osman! I recite to you (this tradition) in the name of Allah. "Have you heard him thrice?" 'Yes', said he. *Ahmad.*

عن ابى ذر انه استاذن على عثمان
فاذن له وبيده عصاه فقال عثمان يا كعب
ان عبد الرحمن توفي وترك مالا فما ترى
فيه فقال ان كان يصل فيه حق الله فلا بأس
عليه فرفع ابو ذر عصاه فضرب كعبا وقال
سمعت رسول الله صلى الله عليه وسلم
يقول ما احب لو ان لي هذا الجبل ذهبا
انفقه ويتقبل مني اذر خلفي منه ست
اواقي انشدك بالله يا عثمان اسمعته
ثلث مرات قال نعم (احمد)

254w. Ayesha reported that she said: There were six or seven 'dinars' of the Ms. of Allah with me during his illness. The Ms. of Allah directed me to distribute them but the pain of the Prophet kept me engaged. Then he asked me about them: What have you done with the six or seven (dinars)? 'No', replied I, 'by Allah, your pain kept me engaged'. He then called for them and put them in his hand and said: What will be the conjecture about the Prophet of Allah if he met the Almighty and Glorious Allah while these were with him? *Ahmad.*

عن عائشة انها قالت كان لرسول الله
صلى الله عليه وسلم عندي في مرضه
ستة دنانير او سبعة فامرني رسول الله
صلى الله عليه وسلم ان افرقها فشغلني
وجع نبي الله صلى الله عليه وسلم ثم سالني
عنها ما فعلت الستة او السبعة قالت
لا والله لقد كان شغلني وجعك فدعا بها
ثم وضعها في كفه فقال ما ظن نبي الله لو
لقي الله عز وجل وهذه عنده (احمد)

255w. Abu Hurairah reported that the Ms. of Allah went to Bilal while there was a busket of dates before him. He said: What is this,

عن ابى هريرة ان النبي صلى الله عليه
وسلم دخل على بلال وعنده صبرة من تمر

O Bilal? He replied: Something which I hoarded up for the morrow. He said: Do you not fear to see for it flames of the fire of hell to-morrow on the Resurrection Day? O Bilal! spend and don't fear poverty from One possessing power. *Baihaqi*

فَقَالَ مَا هٰذَا يَا بِلَالُ قَالَ شَيْءٌ اِدَّخَرْتُهٗ لِغَدٍ فَقَالَ اَمَا تَخْشٰى اَنْ تَرٰى لَهٗ غَدًا بُخَارًا فِيْ نَارِ جَهَنَّمَ يَوْمَ الْقِيٰمَةِ اَنْفِقْ بِلَالُ وَلَا تَخْشَ مِنْ ذِي الْعَرْشِ اِقْلَالًا (اَلْبَيْهَقِيُّ)

256w. Same reported that the Ms. of Allah said: Generosity is a tree in Paradise. Whoever is generous will catch a branch of it and the branch will not leave him till it will admit him in Paradise. And niggardliness is a tree in the Fire; whoever is miser will catch a branch of it and the branch will not leave him till it will admit him in the Fire.

Baihaqi.

عَنْهُ قَالَ قَالَ رَسُوْلُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ السَّخَاءُ شَجَرَةٌ فِي الْجَنَّةِ فَمَنْ كَانَ سَخِيًّا اَخَذَ بِغُصْنٍ مِّنْهَا فَلَمْ يَتْرُكْهُ الْغُصْنُ حَتّٰى يُدْخِلَهُ الْجَنَّةَ وَالشُّحُّ شَجَرَةٌ فِي النَّارِ فَمَنْ كَانَ شَحِيْحًا اَخَذَ بِغُصْنٍ مِّنْهَا فَلَمْ يَتْرُكْهُ الْغُصْنُ حَتّٰى يُدْخِلَهُ النَّارَ (اَلْبَيْهَقِيُّ)

SECTION—3

657—Zakat (Compulsory Charity-Tax).

(a) **Zakat** literally means purification. Technically, it means a contribution of a portion of property for the use of the poor and the needy as a sanctification of the reminder of the property. The Zakat was made compulsory on 1st. Ramazan in the second year of the Heigra. "Keep up prayer and pay Zakat" is the constant theme of the Holy Quran. It also says: And those who hoard up gold and silver and do not spend in the way of Allah, give them news of severe chastisement (9 : 34 Q.). This means that if Zakat is paid out of hoarded wealh, there is no fear for the believers (8 : 72). Zakat used to be regularly collected at the time of the Holy Prophet, four rightly-guided Caliphs and some other kings. But it fell into disuse after that period. Original objects have long been discarded, and what was intended as a relief for the poor is now, even in the best regulated governments, carried to the exchequer of the princes.

(b) **Problems of the poor and stagnation of wealth solved by Zakat**: The present unrest and revolution in the world are

chiefly due to economic problems. There is, therefore, clash between capital and labour, money lenders and debtors, landlords and tenants. The trend of economic forces, even in these enlightened days of economic freedom leads to wide cleavage between capital and labour. Then again, the principle of monopoly and large production of commodities of other countries are evils in the history of economic life. In its naked form, it sets man against man, class against class opposing hostile interests and breaking the homogeneity of society. Again, accumulation of wealth in the hands of few capitalists who own machines, living and dead, is also for clashing interests. Therefore the Bolshevic movement of Russia had its birth against these capitalists. What is then the way for distribution of wealth ? Islam best solved the problem by the distribution of Zakat or compulsory distribution of wealth to those who are needy. It does not encourage extreme form of Bolshevic idea as it places all men, active and idle, illiterate and literate, fool and intelligent on an equal footing, nor does it encourage total concentration of wealth in the hands of few capitalists. It strikes a middle line, as the middle line is always the safest. By this Zakat, wealth is made to circulate and pass to those who are empty in hand

(c) **Zakat is a state institution** : Zakat is a contribution towards national fund for uplit of the nation and other humanitarian works. When the Holy Prophet assumed control of the Government, he made Zakat a state institution; and governors and officers used to collect Zakat and remit it to the Public Treasuries of the state. Hazrat Abu Bakr declared even war against those who refused to pay Zakat. If, however, there is nobody politic to realise Zakat, it must be paid to those as prescribed in the Holy Quran. If the Muslims would have regular and registered organisations in each town and village for collection of zakat and if they would have been managed by a managing committee, much of the problems of the community as a whole would have been solved, and Muslims would have found sufficient funds to combat with the heavy odds against Islam.

(d) **Nisab**. Zakat is an ordinance of Allah incumbent upon every person who is free, sane, adult and a Muslim provided he is possessed of such income amounting to nisab. The nisab consists of wealth of the value of Rs. 50 approximately, or gold of the value of about £ 2, or 200 dirhams, or $5\frac{1}{4}$ tolas in silver and 20 misqals or $7\frac{1}{2}$ tolas in case of gold. In other words, $\frac{1}{40}$th portion or $2\frac{1}{2}$ p.c. of hoarded wealth of nisab for full one year is payable as Zakat. Nisab is of two kinds—goods of increase and no increase. Objects of increase are of two kinds—real

and capable of measurement. Real things are animals that increase by the young ones. Things capable of measurement are things which are gold and silver etc. which do not by themselves increase but by their good use, a profit can be acquird. Things of no increase are buildings and personal effects. Things of increase are subjects of Zakat and things of no increase are exempted from Zakat. Zakat is not due from infants or mad man, mokatib, insolvent debtor ; from the necessaries of life such as dwelling houses, articles of clothing, household furnitures, cattles kept for immediate use or slaves employed as actual servants or armours and weapons and from uncertain property.

(e) **No Zakat is due** upon fewer than 5 camels, 30 kine or buffaloes, 40 goats or sheep. No Zakat is due upon horses, asses or mules, unless they are articles of commerce. No Zakat is due upon the young of goats, kine or camels which are under one year. In paying Zakat of these animals, substitution of the value of animals payable is lawful. Labouring cattle are exempted from Zakat An accidental destruction of the property induces an exemption from Zakat.

(f) **Zakat is due** upon all articles of merchandise of whatever description when the value amounts to a nisab either of gold or silver. If a nisab be complete in the beginning of the year and also at the end, Zakat does not drop on account of its having been defective at any time within that period.

(g) **Of mines discovered** in lands subject to tithe or tribute, it is subject to a zakat of $\frac{1}{5}$th according to Imam Abu Hanifa but not according to Imam Shafeyi. If, however, mines are discovered in one's own house or in private lands, no zakat is payable. Regarding buried treasure, a tithe is due upon it according to to the opinion of all the doctors. No impost is leviable in case of precious stones. This does not strictly fall under Zakat but it is simply a tax as one year has not elapsed after discover.y

(h) **Zakat upon fruits of the earth :**

Upon everything produced from the ground, there is due a tenth called 'Oshar' whether the soil be watered by the animal, overflow of great rivers, or by periodical rains excepting the articles of wood, bamboos and grass. This 'Ushar' and Zakat were the chief sources of revenue of the 'Baitul-Mal' or State Treasury. Half tithe is due upon the product of lands watered by artficial means. This is practically land-revenue and not strictly Zakat.

656—Persons to whom Zakat is to be paid :

(a) The objects of the disbursment of Zakat are of eight different descriptions (9: 60 Q). The Quran says: Alms are only for (1) the poor, (2) the needy, (3) the officials over them, (4) those whose hearts are made to incline (to truth), (5) the (reansoming of) captives, (6) those in debt, (7) in the way of Allah, (8) and the wayfarer.

Details: (1) Faqir (poor) is he who has got property, the whole of which amounts to somewhat less than a nisab. (2) Misqin (needy) is he who has got no property whatsoever (Hedayah). Some however hold the contrary view. (3) Officials over them means collectors of Zakat. (4) With regard to this class, the law has ceased to operate since the time of the Prophet, because he used to bestow Zakat upon them as a gratuity to prevent them from molesting the Muslims, and also to secure their occasional assistance, but when Allah gave strength to the faith, the occasion of bestowing this gratuity upon them no longer remained. All the doctors and Imams unite in this opinion (see Hedayah). (5) For manumission of slaves, Zakat can be paid. Mokatib is a covenanted slave upon whom Zakat is bestowed in order to enable him to procure his freedom. (6) Debtors entitled to Zakat are persons who do not possess property amounting to a nisab. (7) 'In the way of Allah', means 'jihad' for religion or missionary activities for Islam. (8) Way-farers mean travellers in want. In items 3, 4, 7 and 8, Zakat can be paid to these persons even though they posses property amounting to a nisab at home, because they are in want abroad, and because the Zakat collector works in realisation of Zakat at the loss of his profession.

(b) The following persons cannot lawfully accept Zakat. If it paid to them, the Zakat payer will not be considered free from liability of Zakat. (1) The Tribe of Hashim who was the great grandfather of the Holy Prophet. It consists of 5 persons and their descendants who could not and still their descendants cannot accept Zakat They are :—(i) Hazrat Ali and his descendants; (ii) Hazrat Ja'far and his descendants; (iii) Hazrat Aqil and his descendants; (iv) Hazrat Abbas and his descendants; (v) Hares-b Abdul Muttaleb and his descendants. Their servants and slaves also cannot accept Zakat so long as they are in their service It is unlawful to pay Zakat (1) to polytheists whether they are bound by treaty or not, (2) to servants and slaves, (3) to rich men possesing nisab property, (4) to principal relations upwards such as father, mother, grandfather, grandmother how high soever; (5) to sons and daughters and the issues high low soever; (6) to husband and wife according to Imam Abu Hanifa, but

lawful in case of other two Imams; (7) for construction of a mosque, for burial purposes and expenses for the deceased. (8) Zakat of one city or village is not transferable to another city or village. It is necessary that the claimants of each city must be supported by that city, and that the duty towards neighbours is thus happily perfomed. There are some exceptions tothis rule; for instance, if a poor relative lives abroad, Zakat may be sent to him.

other references of Zakat—Quran—9 : 60; 30 : 39; 2 : 276,
Hadis—1 : 64; 1 : 15w; 3 : 6; 4 : 136w; 7 : 191, 192; 34 : 20; 35 : 105.

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45 **Abu Abbas** reported that the Holy prophet sent Mu'az to Yemen saying: Certainly you will come across a people, the people of the book. Call them to bear witness that there is no God but Allah and that Muhammad is the Ms. of Allah. If they submit to that, teach them that verily Allah has made obligatory for them prayer for five times a day and a night. If they submit to that, teach them that verily Allah has made obligatory over them charity (Zakat) which will be taken from the rich among them and will be given to the poor among them. If they then obey that, it will be your duty to take care of their lawful properties; and fear the prayer of the oppressed because between it and Allah there is no screen 659 *Agreed.*

عن ابن عباس ان رسول الله
صلى الله عليه وسلم بعث معاذا الى
اليمن فقال انك تأتي قوما اهل
كتاب فادعهم الى شهادة ان لا اله الا الله
وان محمدا رسول الله فان هم اطاعوا
لذلك فاعلمهم ان الله قد فرض
عليهم خمس صلوات في اليوم
والليلة فانهم اطاعوا لذلك فاعلمهم ان
الله قد فرض عليهم صدقة تؤخذ من
اغنيائهم فترد على فقرائهم فان هم
اطاعوا لذلك فاياك وكرائم اموالهم واتق
دعوة المظلوم فانه ليس بينها وبين
الله حجاب (متفق عليه)

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659 (i) Ibn Malek says that it appears from this tradition that to call the polythists towards Islam is binding upon all muslems (ii) There is no screen between Allah and the pray r of the oppressed means that the prayer of an oppressed man immediatly accepted, and the oppressor is given some punishment in some wayor other. (iii) The institution of Zakat has been introduced as the only means of saving the poor from dire wants and towards distribution of wealth from those who do not give to those who require.

46. **Abu Hurairah** reported that the Ms. of Allah said : There is no owner of gold and silver who does not pay their dues therefrom except that the plates of fire will be served for him when the Resurrection Day will come. He will be burnt thereon in the hell-fire ; and his side, fore-head and back will be cauterized therewith. Whenever they will be returned, they will be replaced for him on a day of which the measure will be 50,000 years, till he will be brought for judgment in the midst of men. Then his path will be shown to him either towards paradise or towards the fire. It was questioned : O Prophet of Allah ! (what) about camel ? He said : There is no owner of camels who does not give their dues therefrom (and of their dues, there is their milking on a day they come to drink water) except that when the Resurrection Day will come, he will be thrown upon his face in a spacious plain, as wide as possible. Not a single young one will be missing from them which will not tread upon him with its hoofs, and bite him with its mouths. Whenever the first of them will pass over him, the last of them will return to him on a day of which the length is 50,000 years, till he will be brought for judgment among men. Then his path will be shown to him either towards paradise or towards the fire. It was questioned : O Ms. of Allah ! As for cattle and sheep ? He replied : And there is no owner of

عن ابي هريرة قال قال رسول الله
صلى الله عليه وسلم ما من صاحب ذهب
ولا فضة لا يؤدي منها حقها الا اذا كان
يوم القيامة صفحت له صفائح من نار
فاحمي عليها في نار جهنم فيكوى بها جنبه
وجبينه وظهره كلما ردت اعيدت له
في يوم كان مقداره خمسين الف
سنة حتى يقضى بين العباد فيرى
سبيله اما الى الجنة واما الى النار *
قيل يا رسول الله فالابل قال ولا
صاحب الابل لا يؤدي منها حقها
ومن حقها حلبها يوم وردها الا اذا كان
يوم القيامة بطح لها بقاع قرقر اوفر ما
كانت لا يفقد منها فصيلا واحدا تطأه
باخفافها وتعضه بافواهها كلما مر
عليه اولها رد عليه اخراها في يوم
كان مقداره خمسين الف سنة حتى
يقضى بين العباد فيرى سبيله اما
الى الجنة واما الى النار *
قيل يا رسول الله فالبقر والغنم
قال ولا صاحب بقر ولا غنم لا يؤدي

cattle and sheep who does not pay their dues therefrom except that when there will come the Resurrection Day, he will be thrown in a spacious plain wherefrom nothing can miss, wherein there will be no cattle of mutilated horn, nor without horn, nor of defective horn. They will knock him down with their horns, and tread upon him with their hoops. Whenever the first of them would pass by him, the last of them will be returned to him on a day of which the measure is 50,000 years, till he will be brought for judgment among men. Then his path will be shown either towards Paradise or towards the Fire. Is was questioned : O Ma. of Allah ! about horse ? He said : And horse is of three kinds : It is a burden for a man; and it is shield for a man ; and it is a reward for a man. As for that which is a burden for him, (it is in case of) a man who tied it up out of show and vanity and as signal* against the people of Islam. It is a burden for him And as for that which is a shield for him, (it is in case of) a man who tied it up in the way of Allah and then did not forget the right of Allah regarding its backs and necks. It is a shield for him. And as for that which is a reward for him, (it is in case of) a man who tied it up in the way of Allah for the muslims in a meadow and a garden. It did not eat anything from that meadow or garden except that rewards equal to the numbers (of grass) it ate are written for him, and

مِنْهَا حَقَّهَا اِلَّا اِذَا كَانَ يَوْمُ الْقِيٰمَةِ بُطِحَ
لَهَا بِقَاعٍ قَرْقَرٍ لَا يَفْقِدُ مِنْهَا شَيْئًا لَيْسَ
فِيهَا عَقْصَاءُ وَلَا جَلْحَاءُ وَلَا عَضْبَاءُ تَنْطِحُهُ
بِقُرُونِهَا وَتَطَاهُ بِاَظْلَافِهَا كُلَّمَا مَرَّ عَلَيْهِ
اُولٰهَا رُدَّ عَلَيْهِ اُخْرٰهَا فِي يَوْمٍ كَانَ مِقْدَارُهُ
خَمْسِينَ اَلْفَ سَنَةٍ حَتّٰى يُقْضٰى بَيْنَ
الْعِبَادِ فَيَرٰى سَبِيْلَهُ اِمَّا اِلَى الْجَنَّةِ وَاِمَّا
اِلَى النَّارِ *

قِيْلَ يَا رَسُوْلَ اللّٰهِ فَالْخَيْلُ قَالَ
فَالْخَيْلُ ثَلٰثَةٌ هِيَ لِرَجُلٍ وِزْرٌ وَهِيَ لِرَجُلٍ
سِتْرٌ وَهِيَ لِرَجُلٍ اَجْرٌ فَاَمَّا الَّتِي هِيَ لَهُ
وِزْرٌ فَرَجُلٌ رَبَطَهَا رِيَاءً وَفَخْرًا وَلِوَاءً عَلٰى
اَهْلِ الْاِسْلَامِ فَهِيَ لَهُ وِزْرٌ وَاَمَّا الَّتِي هِيَ
لَهُ سِتْرٌ فَرَجُلٌ رَبَطَهَا فِي سَبِيْلِ اللّٰهِ ثُمَّ
لَمْ يَنْسَ حَقَّ اللّٰهِ فِي ظُهُوْرِهَا وَلَا رِقَابِهَا
فَهِيَ لَهُ سِتْرٌ وَاَمَّا الَّتِي هِيَ لَهُ اَجْرٌ
فَرَجُلٌ رَبَطَهَا فِي سَبِيْلِ اللّٰهِ لِاَهْلِ
الْاِسْلَامِ فِي مَرْجٍ وَرَوْضَةٍ فَمَا اَكَلَتْ مِنْ
ذٰلِكَ الْمَرْجِ اَوِ الرَّوْضَةِ مِنْ شَيْءٍ اِلَّا
كُتِبَ لَهُ عَدَدَ مَا اَكَلَتْ حَسَنَاتٌ
وَكُتِبَ لَهُ عَدَدَ اَرْوَاثِهَا وَاَبْوَالِهَا

rewards equal to the number of its dungs and urines are written for him, and nor its foot rope is untied and then it gallops over one or two highlands, except that Allah writes for him rewards equal to the numbers of its steps and of its dungs; nor does his master pass over a river with it and it drinks water therefrom though he does not wish to give it drink except that Allah writes for him rewards equal to the quantity (of water) it drinks. It was questioned: O Ms. of Allah! about asses? He said: Nothing was revealed to me about ass except this single collective verse: So whoever does good to the weight of an atom he will see it, and whoever does evil to the weight of an atom, he will see it.[660]
Muslim

حسنات ولا تقطع طولها فاستنت شرفا او شرفين الا كتب الله له عدد آثارها وارواثها حسنات ولا مربها صاحبها على نهر فشربت منه ولا يريد ان يسقيها الا كتب الله له عدد ما شربت حسنات۔ قيل يا رسول الله فالحمر قال ما انزل علي في الحمر شيء الا هذه الآية الفاذة الجامعة فمن يعمل مثقال ذرة خيرا يره ومن يعمل مثقال ذرة شرا يره — مسلم

47. **Same** reported that the Ms. of Allah said: Whomsover Allah gives wealth but who does not pay its zakat, his wealth will be likened for him on the Resurrection day to a huge bald snake having two fangs for it. It will bite him round his

عنه قال قال رسول الله صلى الله عليه وسلم من آتاه الله مالا فلم يؤد زكوته مثل له ماله يوم القيمة شجاعا اقرع له

660. The substance of the passage is this that the owner of every kind of property will be punished with that property if its Zakat or fixed charity-tax is not paid, or proper use is not made with that thing in the way of Allah and for the cause of Islam. If you possess gold and silver, you will be punished with those coins on the Resurrection Day if their Zakat is not paid. They will be burnt in hell-fire and will be put upon the limbs of the owner for a length of time which will extend to 50,000 years. If you possess camels and you do not give their Zakat or even give people of their milk when you take them to the watery places where people assemble and require milk, you will be treaded upon by them on the Resurrection Day one after the other for 50,000 years. If you possess cattle, sheep and goats, and you do not give the Zakat, they will one after another tread upon you in the next world most mercilessly and knock you down till 50,000 years. If you own horses and do not make proper use of them in the way of Allah, you will get similar punishment from them. There are 3 kinds of horses; (1) one which is engaged against Islam or right cause will be a cause of punishment to the owner; (2) one which is engaged not against but for Islam, and is not actually engaged for Islam, will be a shield for the owner against punishment; (3) and as for the one which is engaged in zihads or religious works, the owner will get rewards equal to the number of steps, urines, drinks and grasses it takes, even though the owner is unwilling to give it drink or grass. So it is a food for reflection. What a great stress has been laid on charity by the Prophet and how it was organised!

neck on the Resurrection day and then take hold of him with its two fangs-meaning its two jaws. Afterwards it will say : I am your wealth, I am your hidden treasure. Then he recited : And let not those think who are niggardly, the verse.[661]
Bukhari.

زبيبتان يطوقه يوم القيمة ثم يأخذ بلهزمتيه يعني شدقيه ثم يقول انا مالك انا كنزك ثم تلا ولا يحسبن الذين يبخلون الاية (البخاري)

48. **Abu Zarr** reported from the Holy Prophet who said : There is no man who having got camels, or cattle, or sheep, does not still pay their dues except that he will be brought with them on the Resurrection day (with a form) as huge as possible ; and those that are fatter than him will kick him with their hoofs and knock him down with their horns. Whenever the last of them will pass by him, the first of them will be returned to him till he will be brought for judgment among men. *Agreed.*

عن ابي ذر عن النبي صلى الله عليه وسلم قال ما من رجل يكون له ابل او بقر او غنم لا يؤدي حقها الا اتي بها يوم القيمة اعظم ما يكون واسمنه تطؤه باخفافها وتنطحه بقرونها كلما جازت اخراها ردت عليه اولاها حتى يقضى بين الناس (متفق عليه)

49. **Abdullah-b-Abi Aufa** reported that whenever a people came to the Prophet with their zakat, he used to say : O Allah ! give blessing on the family of so and so. My father came to him with his zakat He said : O Allah ! give blessing to the family of Abu Aufa. *Agreed.*

In a narration : Whenever a man came to the Prophet with his charity-tax, he used to say : O Allah ! bless him.

عبدالله بن ابي اوفى قال كان النبي صلى الله عليه وسلم اذا اتاه قوم بصدقتهم قال اللهم صل على ال فلان فاتاه ابي بصدقته فقال اللهم صل على ال ابي اوفى متفق عليه وفي رواية اذا اتى الرجل النبي صلى الله عليه وسلم بصدقته قال اللهم صل عليه

50. **Abu Hurairah** reported that the Ms. of Allah sent Omar to collect zakat. It was said : Ibn Jamil [662], Khaled-b-Walid and Abbas refused (to pay). Then the

عن ابي هريرة قال بعث رسول الله صلى الله عليه وسلم عمر على الصدقة فقيل منع ابن جميل وخالد بن الوليد والعباس

661. The full verse is as follows : And let not those think who are miserly with what Allah gave them from His gifts that it is good for them, rather it is worse for them. They shall have that whereof they were niggardly made to cleave to their necks on the Resurrection Day ; and Allah's is the heritage over the heavens and the earth ; and Allah is aware of what you do (3 : 179 Q).

Ms. of Allah said: Ibn Jamil did not refuse except that he was certainly poor and then Allah and His Messenger made him rich. As for Khaled, you have certainly oppressed him. He has dedicated his coats of mail and kept them ready in the way of Allah. As for Abbas, that is upon me, and the like of it is with it. Afterwards he said; O Omar! have you not come to learn that the uncle of a man is like his father? *Agreed.*

فقال رسول الله صلى الله عليه وسلم ماينقم ابن جميل الا انه كان فقيرا فاغناه الله و رسوله واما خالد فانكم تظلمون خالدا قد احتبس ادراعه واعتده في سبيل الله و اما العباس فهي علي ومثلها معها ثم قال يا عمر اما شعرت ان عم الرجل صنو ابيه (متفق عليه)

51. **Bashir-b-Khassaiyyah** reported: We said: Verily the zakat collectors exceed limit regarding it. Shall we conceal something of our properties to the extent of what they realise in excess? "No"; replied he. *Abu Daud.*

عن بشير بن الخصاصية قال قلنا ان اهل الصدقة يعتدون علينا افنكتم من اموالنا بقدر مايعتدون قال لا (ابوداود)

52. **Ibn Omar** reported that the Ms. of Allah said: Whoever acquires wealth, there is no zakat therein till a year passes over it. *Tirmizi.*

عن ابن عمر قال قال رسول الله صلعم من استفاد مالا فلا زكوة فيه حتى يحول عليه الحول (الترمذي)

53. **Ali** reported that Abbas asked the Prophet about advance payment of his zakat before a year passed. He gave him permission in that.[663]

Abu Daud, Tirmizi, Ibn Majah, Darimi

عن علي ان العباس سأل رسول الله صلى الله عليه وسلم في تعجيل صدقته قبل ان تحل فرخص له في ذلك (ابوداود والترمذي وابن ماجة والدارمي)

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662. Ibn Jamil was at first a hypocrite and a poor man. But when he became a true Muslim, he became rich owing to the prayer of the Prophet. Under the circumstances, it is nothing but infidelity to deny zakat. Hazrat Abbas was the uncle of the Prophet. Therefore Prophet honoured him and took the dues upon himself. The like of it is with it means an equal amount is also paid for zakat-dues of next year

663 Imam Shafeyi holds that a year must elapse over a thing before its zakat becomes due and binding, but Imam Abu Hanifa says that a year must elapse over the principal thing, and if something is added in the middle of the year to the principal thing, the zakat for the total falls due though one year did not pass over the thing in the middle of the year. This is also the view of Imam Malek.

54. **Abu Hurairah** reported : When the Holy Prophet was dead and Abu Bakr succeeded him, and those who returned to unbelief from desert Arabs[664] returned to unbelief, Omar-b-al Khattab said to Abu Bakr : How can you fight with the people while the Ms. of Allah said : I have been ordered to fight with the people till they utter : There is no deity but Allah. So whoso utters : There is no deity but Allah, his property and life are under my protection except for its tax, and its account is upon Allah. Abu Bakr said : by Allah, I shall surely fight against him who differentiates between prayer and Zakat, because Zakat is a duty on property. By Allah, if they refuse me to deliver young goats which they used to deliver to the Prophet of Allah, I will fight against them inspite of their refusal. Omar said : By Allah, he was not except that I saw that Allah expanded the chest of Abu Bakr for fighting. Then I recognised that it was the truth.

Agreed.

عن ابي هريرة قال لما توفي النبي
صلى الله عليه وسلم واستخلف ابو بكر
بعده وكفر من كفر من العرب قال عمر ابن
الخطاب لابي بكر كيف تقاتل الناس
وقد قال رسول الله صلى الله عليه وسلم
امرت ان اقاتل الناس حتى يقولوا
لا اله الا الله فمن قال لا اله الا الله عصم
مني ماله ونفسه الا بحقه وحسابه على
الله فقال ابو بكر والله لاقاتلن من فرق
بين الصلوة والزكوة فان الزكوة
حق المال والله لو منعوني عناقا كانوا
يؤدونها الى رسول الله صلعم لقاتلتهم
على منعها قال عمر فوالله ما هو
الا رأيت ان الله شرح صدر ابي بكر
للقتال فعرفت انه الحق

متفق عليه

55. **Ibn Mas'ud** reported from the Prophet who said : There is no man who does not pay Zakat of his properties except that Allah will put round his neck huge serpents on the Resurrection Day. Then he read to us its corroboration from the Book

عن ابن مسعود عن النبي صلى الله
عليه وسلم قال ما من رجل لا يؤدي
زكوة ماله الا جعل الله يوم القيمة
في عنقه شجاعا ثم قرأ علينا مصداقه

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664. Those who returned to unbelief are the tribes of Gaftan and Banu Solaim. They did not pay zakat for which Abu Bakr termed them infidels.

of Allah : And let not those think who are miserly with what Allah bestowed on them of His bounty —the verse (3 : 179Q). —*Tirmizi, Nisai, Ibn Majah.*

من كتب الله ولا يحسبن الذين يبخلون بما آتهم الله من فضله الآية — الترمذي والنسائي وابن ماجة

56. **Ayesha** reported : I heard the **Ms.** of Allah say : Zakat never mixes with a property but to destroy it.[665] *Shafeyi, Bukhari*

عن عائشة قالت سمعت رسول الله صلعم يقول ما خالطت الزكوة مالا قط الا اهلكته ــ الشافعي والبخاري

57. **Abu Hurairah** reported that the Ms. of Allah said : The treasure of any of you will become on the Resurrection Day a huge bald headed serpent from which its owner will flee away while it will be following him till it will bite him, his fingers. *Ahmad.*

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم يكون كنز احدكم يوم القيمة شجاعا اقرع يفر منه صاحبه وهو يطلبه حتى يلقمه اصابعه - احمد

SECTION—4

666—Properties for Zakat

Things on which Zakat can be levied have been noted partly in note 657. The following is the scale of Zakat :—

Property	Numbers	Zakat to be paid
1. Camels	5 to 9	one goat
	10 to 14.........	2 goats
	15 to 19.........	3 ,,
	20 to 24.........	4 ,,
	25 to 35.........	5 ,, or a young she-camel of one year.
	36 to 45..	one two year old she-camel

665. If Zakat is not regularly paid, it brings no increase in wealth. On the other hand, it goes towards destruction of wealth and properties. The Quran, therefore, says : Allah condemns usury and increases Zakat (2 : 276Q). Bukhari narrated this hadis in his history. Humaidi also narrated it. He said : If Zakat becomes binding on you, and you don't take it out, then the unlawful thing will destroy the lawful thing. Baihaqi narrated it in Shuabul I'man from Ahmad-b-Hanbal.

46 to 60........	one 3 year old she-camel
61 to 75..	one 4 year old she-camel
76 to 90........	two 2 year old she camels
91 to 120.. ...	two 3 year old she camels (and after

that, one she camel of the age of two years for every 40 camels or one of the age of three years for every fifty camels.)

2. Cattle ... every 30	1 yearling,
every 40	2 yearlings
3. Goats and sheep 40 to 120	1 goat or sheep
121 to 200	2 goats or two sheep
201 to 300	3 goats or 3 sheep

and after that, one for each hundred or part of hundred. The principle is that Zakat should be levied at the universal rate of $2\frac{1}{2}$ p.c. (4) In modern world, machines employed in industry, mills, and other things of such kind bare the burden of Zakat at the above rate.

57. **Abu Sayeed al Khodri** reported that the **Ms.** of Allah said : There is no Zakat in what is less than five 'wasaqs' of dates ; there is no **Zakat** in what is less than five 'wasaqs' of silver ; and there is no Zakat in what is less than five 'zaods' of camels.[667] *Agreed.*

عَنْ اَبِيْ سَعِيْدِنِ الْخُدْرِيِّ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم لَيْسَ فِيْمَا دُوْنَ خَمْسَةِ اَوْسُقٍ مِنَ التَّمْرِ صَدَقَةٌ وَلَيْسَ فِيْمَا دُوْنَ خَمْسِ اَوَاقٍ مِنَ الْوَرِقِ صَدَقَةٌ وَلَيْسَ فِيْمَا دُوْنَ خَمْسِ ذَوْدٍ مِنَ الْاِبِلِ صَدَقَةٌ (مُتَّفَقٌ عَلَيْهِ)

58. **Abu Hurairah** reported that the **Ms.** of Allah said : There is no Zakat on a Muslim regarding his slaves, nor regarding his horse. In a narration, he said : There is no

عَنْ اَبِيْ هُرَيْرَةَ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم لَيْسَ عَلَى الْمُسْلِمِ صَدَقَةٌ فِيْ عَبْدِهٖ وَلَا فِيْ فَرَسِهٖ وَفِيْ رِوَايَةٍ قَالَ لَيْسَ

667. One 'wasaq' is equivalent to 60 sa'as ; each sa'a being 4 Indian seers $\frac{1}{10}$ th of this quantity must be given towards Zakat ; and if less, the payment is not binding. This is the view of the three Imams'; but according to Imam Abu Hanifa, $\frac{1}{10}$ th of the gross produce, whether more or less than 5 wasaqs, must be given in Zakat. 5 'wasaqs' are equivalent to 18 mds 35¼ seers. Out of 200 dirhams, 5 dirhams are to be given as Zakat If there is less than 200 dirhams (or Rs 50 in our country), Zakat is not binding on him.

Zakat regarding his slaves except charity of I'd.[668] *Agreed.*

فِيْ عَبْدِهِ صَدَقَةٌ إِلَّا صَدَقَةُ الْفِطْرِ
(مُتَّفَقٌ عَلَيْهِ)

59. **Anas** reported that Abu Bakr wrote this letter to him when he sent him to Bahrain : In the name of Allah, the Merciful, the compassionate, this is the compulsary Zakat which has been made obligatory by the Prophet upon the Muslims, and of which Allah ordered His Prophet. So whoever among the Muslims is demanded of it to its full, let it be cleared off; and whoever is demanded in excess of it, let it not be paid. In every 24 camels or less than that, a goat out of goats is prescribed for every five camel. When they reach 25 to 35, then therein a female young camel of full one year; when they reach 36 to 45, then therein a female young camel of two years; when they reach 46 to 60, then there is in it a female young camel of 3 years. When they reach 61 to 75, then there is in it one female young camel of full four years; when they reach 76 to 90, then there is therein two

عَنْ أَنَسٍ أَنَّ أَبَا بَكْرٍ كَتَبَ
لَهُ هٰذَا الْكِتَابَ لَمَّا وَجَّهَهُ إِلَى
الْبَحْرَيْنِ بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيْمِ هٰذِهِ
فَرِيْضَةُ الصَّدَقَةِ الَّتِيْ فَرَضَ رَسُوْلُ اللهِ صلعم
عَلَى الْمُسْلِمِيْنَ وَالَّتِيْ أَمَرَ اللهُ بِهَا رَسُوْلَهُ
صلعم فَمَنْ سُئِلَهَا مِنَ الْمُسْلِمِيْنَ عَلَى وَجْهِهَا
فَلْيُعْطِهَا وَمَنْ سُئِلَ فَوْقَهَا فَلَا يُعْطِ
فِيْ أَرْبَعٍ وَعِشْرِيْنَ مِنَ الْإِبِلِ فَمَا دُوْنَهَا
مِنَ الْغَنَمِ مِنْ كُلِّ خَمْسٍ شَاةٌ فَإِذَا
بَلَغَتْ خَمْسًا وَعِشْرِيْنَ إِلَى خَمْسٍ
وَثَلَاثِيْنَ فَفِيْهَا بِنْتُ مَخَاضٍ أُنْثَى فَإِذَا
بَلَغَتْ سِتًّا وَثَلَاثِيْنَ إِلَى خَمْسٍ وَ
أَرْبَعِيْنَ فَفِيْهَا بِنْتُ لَبُوْنٍ أُنْثَى وَ
إِذَا بَلَغَتْ سِتًّا وَأَرْبَعِيْنَ إِلَى سِتِّيْنَ
فَفِيْهَا حِقَّةٌ طَرُوْقَةُ الْجَمَلِ فَإِذَا بَلَغَتْ
وَاحِدَةً وَسِتِّيْنَ إِلَى خَمْسٍ وَسَبْعِيْنَ
فَفِيْهَا جَذَعَةٌ فَإِذَا بَلَغَتْ سِتًّا وَسَبْعِيْنَ

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668. If the horses and slaves are not kept for business, Zakat is not due from them but if they are kept for business, Zakat becomes compulsory on them. This is the view of the three Imams ; but according to Imam Abu Hanifa, if the horses are wild and are found in jungles, Zakat is due from them. This is however not the present rule. According to Fatwa Qazi Khan, Darre Mukhtar and Alamgiri, Zakat is not leviable from these wild horses also.

female young ones of camels of two years each; when they reach 91 to 120, then there is in it two female young ones of camels of full three years each. When they increase over 120, then for every forty, there is a female young one of camels of two years; and for every fifty, there is a female young one of three years. And whoever has got no camel except four, there is no Zakat therein except what their owner wishes. When they reach five, there is therein a goat, and whoever has got to be paid the Zakat of female camel of four years, and he has got no such camel, but there is a female camel of three years, such latter camel shall be accepted from him, and he shall give therewith two goats, if it is easy for him, or 20 dirhams; and whoever has got to be paid the Zakat of female camel of three years and there is no such camel with him but there is a female camel of 4 years with him, such camel shall be accepted from him. The Zakat collector shall give him 20 dirhams or two goats; and whoever has got to pay the charity of a female camel of three years, and there is not with him except female young one of two years, such young one shall be accepted from him and he shall pay two goats and 20 dirhams; and whoever has got to pay the charity of the young camel of two years, and he has got with him a female camel of three years, such camel shall be accepted from him, and Zakat collector shall pay him 20 dirhams or two goats; and who-

إلى تسعين ففيها بنتا لبون فإذا بلغت
إحدى وتسعين إلى عشرين ومائة
ففيها حقتان طروقتا الجمل فإذا زادت
على عشرين ومائة ففي كل أربعين
بنت لبون وفي كل خمسين حقة
ومن لم يكن معه إلا أربع من الإبل
فليس فيها صدقة إلا أن يشاء ربها فإذا
بلغت خمسا ففيها شاة ومن بلغت
عنده من الإبل صدقة الجذعة وليست
عنده جذعة وعنده حقة فإنها تقبل منه
الحقة ويجعل معها شاتين إن استيسرتا
له أو عشرين درهما ومن بلغت عنده
صدقة الحقة وليست عنده الحقة و
عنده الجذعة فإنها تقبل منه الجذعة
ويعطيه المصدق عشرين درهما أو شاتين
ومن بلغت عنده صدقة الحقة وليست
عنده إلا بنت لبون فإنها تقبل منه بنت
لبون ويعطي شاتين أو عشرين درهما
ومن بلغت صدقته بنت لبون وعنده
حقة فإنها تقبل منه الحقة ويعطيه
المصدق عشرين درهما أو شاتين ومن

ever has got to pay the charity of the female young one of two years and there is no such camel with him, but there is the female young one of one year with him, such camel shall be accepted from him and he shall pay therewith 20 dirhams or two goats; and whoever has got to pay the charity of the female young one of one year old, and then it is not with him, but there is the female young one of two years with him, such latter camel shall be accepted from him, and the collector shall pay him 20 dirhams or two goats; if he has no such camel of two years with him and in full, but there is with him the male young one of 2 years, such camel shall be accepted from him, when there is nothing with him. And regarding the charity of goats in their graze, when they are 40 to 120, there is one goat, and when they exceed 120 to 200, there are two goats regaring that, and when they increase from 200 to 300, there are therein three goats; and when they increase to 300, there is one goat for every 100; when the grazing sheep of a man is less than 40 goats by one, there is no Zakat for them except as their owner wishes; and you should not take out for Zakat old ones and those who have got defect in eye and buck-goats except what the collector wishes; the scattered ones should not be collected together, nor the flock should be disbanded out of fear of charity. And what belongs to two co-sharers shall be returned to them in equal

بلغت صدقته بنت لبون و ليست عنده و
عنده بنت مخاض فانها تقبل منه
بنت مخاض و يعطي معها عشرين درهما
او شاتين و من بلغت صدقته بنت
مخاض و ليست عنده و عنده بنت
لبون فانها تقبل منه و يعطيه المصدق
عشرين درهما او شاتين فان لم يكن عنده
بنت مخاض على وجهها و عنده ابن
لبون فانه يقبل منه و ليس معه شيء *
و في صدقة الغنم في سائمتها اذا كانت
اربعين الى عشرين و مائة شاة فاذا
زادت على عشرين و مائة الى مائتين
ففيها شاتان فاذا زادت على مائتين الى
ثلث مائة ففيها ثلث شياه فاذا زادت
على ثلث مائة ففي كل مائة شاة فاذا
كانت سائمة الرجل ناقصة من اربعين
شاة واحدة فليس فيها صدقة الا ان يشاء
ربها و لا تخرج في الصدقة هرمة و لا
ذات عوار و لا تيس الا ماشاء المصدق و لا
يجمع بين متفرق و لا يفرق بين
مجتمع خشية الصدقة و ما كان من
خليطين فانهما يتراجعان بينهما بالسوية

shares. And regarding silver, there is $\frac{1}{4}$th of oshar, and if there is nothing but 190 dirhams, there is nothing for them (Zakat) except as their owner wishes. *Bukhari*

وَفِي الرِّقَةِ رُبُعُ الْعُشْرِ فَإِنْ لَمْ تَكُنْ إِلَّا تِسْعِينَ وَمِائَةً فَلَيْسَ فِيهَا شَيْءٌ إِلَّا أَنْ يَشَاءَ رَبُّهَا — البخاري

60. **Abdullah-b-Omar** reported from the Prophet who said: There is $\frac{1}{10}$th in what is watered by clouds or fountains or in a fertile land. And there is half of $\frac{1}{10}$th in what is watered by camels.[669] *Bukhari*

عَنْ عَبْدِ اللهِ بْنِ عُمَرَ عَنِ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَالَ فِيمَا سَقَتِ السَّمَاءُ وَالْعُيُونُ أَوْ كَانَ عَثَرِيًّا الْعُشْرُ وَمَا سُقِيَ بِالنَّضْحِ نِصْفُ الْعُشْرِ (الْبُخَارِي)

61. **Abu Hurairah** reported that the Ms. of Allah said: Animals, their wounds are exempted, and well is exempted, and mines are exempted, and there is $\frac{1}{5}$th in the buried treasure.[670] *Agreed.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ الْعَجْمَاءُ جَرْحُهَا جُبَارٌ وَالْبِئْرُ جُبَارٌ وَالْمَعْدِنُ جُبَارٌ وَفِي الرِّكَازِ الْخُمُسُ (مُتَّفَقٌ عَلَيْهِ)

62. **Ali** reported that the Ms. of Allah said: I have indeed made remisssion of horses and asses (from Zakat); so take Zakat of silver, one dirham from every forty dirhams. There is no Zakat in 190 dirhams. When they reach 200 (dirhams), then there are 5 dirhams therein.

Tirmizi, Abu Daud

عَنْ عَلِيٍّ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ قَدْ عَفَوْتُ عَنِ الْخَيْلِ وَالرَّقِيقِ فَهَاتُوا صَدَقَةَ الرِّقَةِ مِنْ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ وَلَيْسَ فِي تِسْعِينَ وَمِائَةٍ شَيْءٌ فَإِذَا بَلَغَتْ مِائَتَيْنِ فَفِيهَا خَمْسَةُ دَرَاهِمَ (التِّرْمِذِيُّ وَأَبُو دَاوُدَ)

669. There is $\frac{1}{10}$th of the produce to be given as Zakat if the land is watered by natural means such as rain water; but if it is watered by artificial means the tax is $\frac{1}{20}$th of the produce.

670. The meaning of this tradition is that there are three kinds of death or wound or injuries for which there is no criminal offence. If a man dies or is injured by animals, the owner of the animals is not liable; but if the injury is received by him at night, the owner is liable as he should have tied them up at night. Similarly, if a driver is engaged for driving animal and if the driver is injured the owner is liable, as a good driver should have been appointed. Well is exempted means that the owner of the well is exempted from liability in case a man engaged by him works in well and recieves injuries. Similar is the meaning of "Mines are exempted." Ruksj is a hidden treasure found by a man. Zakat of of this kind of property is to be given.

63. **Ali** reported : Zohair said : I take it from the Prophet who said : Bring ¼th of Oshar ; there is one dirham for every 40 dirhams and there is nothing on you till it completes 200 dirhams. So when it comes up to 200 dirhams, there are 5 dirhams therein, and what is in excess is upon that (proportionate) account. And in goats, there is one goat in every forty up to 120 ; if they increase by one, then up to 200, two she goats (of one year) ; if they increase, then up to 300, 3 goats of one year ; if they increase over 300, then for every one hundred one she goat ; if you have no more than 39, there is nothing on you regarding them. And about cows, in every thirty there is one calf of one year, and in every forty, there is one calf of full two years, and there is nothing for the cattle engaged in labour.[671] *Abu Daud.*

عن علي قال زهير احسبه عن النبي صلى الله عليه وسلم انه قال هاتوا ربع العشر من كل اربعين درهما درهم و ليس عليكم شيء حتى تتم مائتي درهم فاذا كانت مائتي درهم ففيها خمسة دراهم فمازاد فعلى حساب ذالك و في الغنم في كل اربعين شاة شاة الى عشرين و مائة فاذا زادت واحدة فشاتان الى مائتين فان زادت فثلاث شياه الى ثلث مائة فاذا زادت على ثلث مائة ففي كل مائة شاة فان لم تكن الا تسع و ثلاثون فليس عليك فيها شيء و في البقر في كل ثلثين تبيع و في الاربعين مسنة و ليس على العوامل شيء (ابو داود)

64. **Mu'az** reported that when the Prophet sent him to Yemen, he ordered him to take one yearling of male or female for every thirty cattle and one cow of 2 years old for every 40 cattle. *Abu Daud, Tirmizi, Nisai.*

عن معاذ ان النبي صلعم لما وجهه الى اليمن امره ان ياخذ من البقر من كل ثلثين تبيعا او تبيعة و من كل اربعين مسنة (ابو داود و الترمذي و النسائي)

65. **Abu Sayeed al-Khodri**

عن ابي سعيد ن الخدري ان النبي

671. This is addressed to Zakat collectors. They were instructed to give one portion to the owner out of three portions of dates. If it is divided into 3 portions, it shall be divided into four portions—one of them belonging to the owner. The whole was due; but out of compassion, ⅓rd or ¼th was ordered to be given up. This is in connection with the Jews of Khaiber. This is not applied in case of the Muslims.

reported that the Holy Prophet said : There is no Zakat for seeds or dates till they come up to 5 'wasaqs'. *Nisai.*

صلعم قال ليس في حب و لا تمر صدقة حتى يبلغ خمسة اوسق (النسائي)

66. **Attab-b-Osaid** reported that the Prophet said : In Zakat of grapes, they shall be appraised as dates are appraised and then their Zakat shall be paid after being dried up, as Zakat of fresh dates are paid after being dried up. *Tirmizi, Abu Daud.*

عن عتاب بن اسيد ان النبي صلى الله عليه وسلم قال في زكوة الكرم انها تخرص كما تخرص النخل ثم تودي زكوته زبيبا كما تودي زكوة النخل تمرا (الترمذي و ابو داود)

67. **Sahal-b-Abi Hatmah** reported that the Prophet used to say : When you appraise dates, take (them) and give up $\frac{1}{3}$rd ; if you do not give up $\frac{1}{3}$rd, then give up $\frac{1}{4}$th.

Tirmizi, Abu Daud, Nisai.

عن سهل بن ابي حثمة حدث ان رسول الله صلعم كان يقول اذا خرصتم فخذوا و دعوا الثلث فان لم تدعوا الثلث فدعوا الربع (الترمذي و ابو داود النسائي)

68. **Ayesha** reported that the Holy Prophet sent Abdullah-b-Rawwahah to the Jews to appraise dates on trees when they are fresh before they are eatable. *Abu Daud.*

عن عائشة قالت كان النبي صلى الله عليه وسلم يبعث عبد الله بن رواحة الى يهود فيخرص النخل حين يطيب قبل ان يوكل منه (ابو داود)

69. **Abu Omar** reported that the Ms. of Allah said about (Zakat of) honey : For every ten leather bottles, one bottle.[672] *Tirmizi.*

عن ابن عمر قال قال رسول الله صلى الله عليه وسلم في العسل في كل عشرة ازق زق (الترمذي)

70. **Jainab, wife of Abdullah** reported : The Ms. of Allah addressed us and said : O assembly of women !

عن زينب امرأة عبدالله قالت خطبنا رسول الله صلى الله عليه وسلم

672. Iman Shafeyi holds that there is no Zakat upon honey, but Imam Abu Hanifa says otherwise in view of this tradition.

give Zakat although it be from your ornaments, because you will form the majority of the dwellers of hell on the Resurrection Day. [673] *Tirmizi.*

فقال يا معشر النساء تصدقن ولو من حليكن فانكن اكثر اهل جهنم يوم القيمة (الترمذي)

71. **Amr-b-Shuaib** reported from his father from his grand father who said that two women came to the Holy Prophet with two bangles of gold in their hands. He asked them : Have you paid its Zakat? 'No', replied they. The Holy Prophet then asked them : Do you both like that Allah will dress you with bangles out of the bangles of the fire ? 'No', replied they. He said : Then pay its Zakat. *Tirmizi.*

عن عمرو بن شعيب عن ابيه عن جده ان امرأتين اتتا رسول الله صلى الله عليه وسلم وفي ايديهما سواران من ذهب فقال لهما تؤديان زكوته قالتا لا فقال لهما رسول الله صلعم اتحبان ان يسوركما الله بسوارين من نار قالتا لا قال فاديا زكوته (الترمذي)

72. **Umme-Salamah** reported : I used to put on 'wazh' of gold. So I enquired : O **Ms.** of Allah ! is it a hoarded treasure ? [674] He said : What has reached us is that its Zakat should be paid. Its Zakat was paid and so it is not a hoarded treasure.

Malek, Abu Daud.

عن ام سلمة قالت كنت البس اوضاحا من ذهب فقلت يا رسول الله اكنز هو فقال ما بلغ ان تؤدى زكوته فزكي فليس بكنز (مالك وابو داود)

73. **Samorah-b-Jundab** reported : The Ms. of Allah used to direct us to collect Zakat from that which we counted as merchandise. *Abu Daud.*

عن سمرة بن جندب ان رسول الله صلى الله عليه وسلم كان يامرنا ان نخرج الصدقة من الذي نعد للبيع (ابو داود)

74. **Rabiah-b-Abi Abdur Rahman** reported from more than one that

عن ربيعة بن ابي عبدالرحمن عن

673 Imams Malek and Ahmad hold that Zakat is binding upon ornaments which are unlawful for use, and it is not to be levied from ornaments lawful for use. Imams Abu Hanifa and Shafeyi stand on the tradition upon a general order of payment of Zakat on ornaments.

674. This refers to the Quranic verse—"Those who hoard up gold and silver, and donot spend in the way of Allah, give them news of severe chastisement—9 ; 34Q. If Zakat is paid out of hoarded treasure, it is no longer considered as hoarded.

the Ms. of Allah granted free the mines of Qabaliyyah and that is by the side of furh to Bilal-b-Hares al Mujni. So, (as for) those mines, nothing but Zakat is levied from them up to this day. *Abu Daud.*

غير واحد ان رسول الله صلى الله عليه وسلم اقطع لبلال بن الحارث المزني معادن القبلية وهي ناحية الفرع فتلك المعادن لاتوخذ منها الا الزكوة الى اليوم (ابو داود)

258w. **Musa-b-Talha** reported: We had with us a letter of Mu'az-b-Jabal from the Holy Prophet. He (Prophet) said: Verily he ordered him to take Zakat from wheat, barley, raisins and dates. *Sharh-i-Sunnat (Defective)*

عن موسى بن طلحة قال عندنا كتاب معاذ ابن جبل عن النبي صلعم انه قال انما امره ان يأخذ الصدقة من الحنطة والشعير والزبيب والتمر شرح السنة (مرسل)

259w. **Ali** reported that the Ms. of Allah said: There is no Zakat in vegetables, nor there is Zakat in cultivated plants, nor there is Zakat in less than five 'wasaqs', nor there is Zakat in animals of labour, nor there is Zakat in Zabha. (Saqar said: Zabha is horse, mule and servants.) *Darqutni*

عن علي ان النبي صلى الله عليه وسلم قال ليس في الخضراوات صدقة ولا في العرايا صدقة ولا في اقل من خمسة اوسق صدقة ولا في العوامل صدقة ولا في الجبهة صدقة قال الصقر الجبهة الخيل البغال والعبيد (الدار قطني)

260w. **Taus** reported that some cows were brought before Muaz-b-Jabal. He said: The Prophet did not direct me to levy anything therein. 674a *Darqutni, Shafyi*

عن طاؤس ان معاذ بن جبل اتي بوقص البقر فقال لم يأمرني فيه النبي صلى الله عليه وسلم بشيء (الدار قطني والشافعي)

674a. Imam Shafeyi said that wasq as used here means a number that does not reach nisab.

SECTION—5

675—Charity of Fitr

(a) **Sadka Fitr** means alms bestowed upon the poor on the occassion of I'd festival after the month of Ramazan. It is incumbent upon every Muslim possessing of property to the amount of a nisab clear of incumbrance. Imam Shafeyi, however, maintained that it is incumbent upon every person who possesses property to the value of about one days subsistance of himself and his family. It is, however, not held to be consistent with the true precept of the Holy Prophet. It is Farz upon all mankind of both sexes to pay I'd-charity and also on behalf of their infant children and servants and slaves. It is not Farz upon a man to pay these charity on behalf of wife or adult members of the family including sons and daughters, but it is quite lawful as optional benevolence. Fitr was made binding in the second year of the Heigra.

(b) **Proportion of I'd charity,** and the articles in which it may be discharged. The measure of I'd charity in wheat, flower, bran and dried fruits is half Sa'a, and in dates or barley, one Sa'a (8: 80). Imam Shafeyi holds that the measure in all the above articles is one Sa'a (8: 76). But in all cases, value of the measure must be ascertained to give laxity to the above rule. In some country, it can be given in staple food crops such as rice or bread. It is also lawful to pay the equivalent price, because price satisfies the various wants of the poor and the needy. One Sa'a is equivalant to 112 ounces, nearly 3 to 4 seers. In India, it generelly comes to between 3 as. to 4 as. per head. Like Zakat, Fitr Charity was an organised institution, but it fell afterwards into disuse.

(c) **Time of commencement** of the obligation of I'd charity and its end. It commences with the early dawn of the I'd day, and ends before the I'd prayer commences. It may, however, be paid after prayer or any subsequent day provided the persons to whom it would be paid be kept ascertained in mind. If any son or daughter is born to the family before the early dawn, Fitr becomes compulsory on the guardians to be paid on behalf of the newly born child. Imam Shafeyi maintains that it commences with the sun-set of the last day of Ramazan. It is mustahab (laudable) to pay I'd charity befor one proceeds to the I'd place for the festival prayer. This is with this view

that this charity might relieve the wants of the poor and thereby enable them to enjoy the festival. It may be paid on the previous day of the festival.

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75. **Ibn Omar** reported that the Ms. of Allah made obligatory the charity of 'Fitr'—one sa'a of dates or one sa'a of wheat upon the slave and the free, male and female, young and old from among the Muslims. He directed its payment before the people go out for the prayer. *Agreed.*

عن ابن عمر قال فرض رسول الله صلى الله عليه وسلم زكواة الفطر صاعا من تمر او صاعا من شعير على العبد والحر والذكر والانثى والصغير والكبير من المسلمين وامر بها ان تؤدى قبل خروج الناس الى الصلوة (متفق عليه)

76. **Abu Sayed al-Khodri** reported: We used to levy charity of Fitr —one sa'a from food-crops or one sa'a from wheat, or one sa'a from dates, or one sa'a from 'cheese', or one sa'a from raisins. *Agreed.*

عن ابى سعيد الخدرى قال كنا نخرج زكوة الفطر صاعا من طعام او صاعا من شعير او صاعا من تمر او صاعا من اقط او صاعا من زبيب (متفق عليه)

77. **Ibn Abbas** reported that he said in the last of Ramazan: Take out alms of your fast. The Ms. of **Allah** made this charity compulsory: One sa'a from dates, or barley or half a sa'a from flour upon every free man or slave, male or female, young or old. *Abu Daud, Nisai.*

عن ابن عباس قال فى آخر رمضان اخرجوا صدقة صومكم فرض رسول الله صلى الله عليه وسلم هذه الصدقة صاعا من تمر او شعير او نصف صاع من قمح على كل حر او مملوك ذكر او انثى صغير او كبير (ابو داود والنسائى)

78. **Same** reported that the Ms of Allah made charity of Fitr compulsory as a purification of fast from vile discourse and vain talks and as food to the poor. *Abu Daud.*

عنه قال فرض رسول الله صلى الله عليه وسلم زكوة الفطر طهرة للصيام من اللغو والرفث وطعمة للمساكين (ابو داود)

79. **Amr-b-Shu'aib** reported from his father from his grand-father who said that the Prophet sent a proclaimer in the lanes of

عن عمرو بن شعيب عن ابيه عن جده ان النبى صلى الله عليه وسلم بعث مناديا فى

Mecca (to proclaim): Beware! verily charity of Fitr is binding upon every Muslim, male or female, free man or slave, young or old, for two 'mads' of flour, or equal to it or one sa'a from food-crops.[676] *Tirmizi.*

فجاج مكة الا ان صدقة الفطر واجبة على كل مسلم ذكر او انثى حر او عبد صغير او كبير مدان من قمح او سواه او صاع من طعام (الترمذى)

80. **Abdullah-b-Sa'labah** (or Sa'labah-b-Abdullah) reported from his father that the Ms. of Allah said: One sa'a from barley or wheat from every two—young or old, free man or slave, male or female. As for your wealthy man, Allah will purify him; and as for your poor man, Allah will return to him more than what He gave him. *Abu Daud.*

عن عبد الله بن ثعلبة او ثعلبة بن عبد الله عن ابيه قال قال رسول الله صلى الله عليه وسلم صاع من بر او قمح عن كل اثنين صغير او كبير حر او عبد ذكر او انثى اما غنيكم فيزكيه الله و اما فقيركم فيرد عليه اكثر مما اعطاه (ابو داود)

SECTION—6

Persons entitled to Zakat

The persons who are entitled to receive Zakat have been written in previous note No. 658. For fear of repetition, it has been omitted here.

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81. **Anas** reported that the Holy Prophet passed by a date on the way and said: Had I not had feared that it belonged to Zakat,

عن انس قال مر النبي صلى الله عليه وسلم بتمرة في الطريق فقال لولا اني اخاف

676. It appears from this that out of principal food-crops of each country, Fitr charity can be given. It is not confined within barley, wheat and other things. Too literal meaning of religious doctrines makes a religion dead, and there remains no enthusiasm for it. This is also the case with Islam. The spirit of its doctrines has been given a go-by. The true object of Fitr charity is to help the poor and the needy, so that they may join in the festival with the rich in equal spirit. If it is rendered by the gift of rice, pice or any other thing equal to the quantity prescribed, it will be sufficient.

I would have devoured it.[677] *Agreed.*

أن تكون من الصدقة لأكلتها (متفق عليه)

82. **Abu Hurairah** reported that Hasan-b-Ali took a date out of the dates of Zakat and put it in his mouth. To throw it off, the Prophet, said : Vomit, vomit,' He said : Do you not know that we do not devour Zakat ?[678] *Agreed.*

عن أبي هريرة قال أخذ الحسن ابن علي تمرة من تمر الصدقة فجعلها في فيه فقال النبي صلى الله عليه وسلم كخ كخ ليطرحها ثم قال أما شعرت أنا لا نأكل الصدقة (متفق عليه)

83. **Abdul-Mottalib-b-Rabiah** reported that the Ms. of Allah said : Surely these Zakats—they are indeed the impurities of men, and they are not lawful for Muhammad, nor for the family of Muhammad. *Muslim.*

عن عبد المطلب بن ربيعة قال قال رسول الله صلى الله عليه وسلم إن هذه الصدقات إنما هي أوساخ الناس وإنها لا تحل لمحمد ولا لآل محمد (مسلم)

84. **Abu Hurairah** reported that whenever any food was brought to the Holy Prophet, he used to enquire about it : Is it a present or charity ? If it was said—charity, he would say to his followers : Eat. He did not eat; and if it was said—present, he stroke it with his hand and ate with them. *Agreed.*

عن أبي هريرة قال كان رسول الله صلى الله عليه وسلم إذا أتي بطعام سأل عنه أهدية أم صدقة فإن قيل صدقة قال لأصحابه كلوا ولم يأكل وإن قيل هدية ضرب بيده فأكل معهم (متفق عليه)

85. **Ayesha** reported that there were three injunctions about Barirah. One of the injunctions was that she was set free and then

عن عائشة قالت كان في بريرة ثلاث سنن إحدى السنن أنها عتقت فخيرت في

677. It appears from this that it was unlawful for the Prophet to enjoy Zakat property, as it is a refuge of property just as dirt is a refuge of man. It is seen that Zakat was not therefore a source of income to the Prophet himself but to the Estate for protection of the poor and defence of state Indeed, Zakat, Oshar and Fai were the main sources of income of the Muslim estate. It is also deduced from this that it is lawful to take a thing of small value if found in the way and if its owner is not easily found.

678. It is evident from this that Zakat was not lawful to the Prophet and his descendants though poor, and that it is the duty of parents and guardians to prevent their wards and sons from doing things opposed to Shariat, such as wearing silk or gold etc.

she chose (to remain with) her husband. The Ms. of Allah said : Mastery is for one who emancipates. The Ms. of Allah entered while the kettle was boiling with meat. Then loaf and lentils from the lentils of the house were brought to him. He said : Have I not seen kettle wherein there was meat? 'Yes' said they 'but that is meat given as Zakat to Barirah, and you cannot eat Zakat. He said : That is Zakat to her but present to us. *Agreed.*

زوجها وقال رسول الله صلى الله عليه وسلم الولاء لمن اعتق ودخل رسول الله صلى الله عليه وسلم والبرمة تفور بلحم فقرب اليه خبز وادم من ادم البيت فقال الم ار برمة فيها لحم قالوا بلى ولكن ذلك لحم تصدق به على بريرة وانت لا تأكل الصدقة قال هو عليها صدقة ولنا هدية (متفق عليه)

86. **Abu Hurairah** reported that the Ms. of Allah said : The penniless is not he who turns round men, and whom a morsel or two and a date or two turns back, but the penniless is he who does not find wealth to make him free from want, nor does he disclose so as to invoke charity upon him, nor does he stand up and beg of men.. *Agreed*

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم ليس المسكين الذي يطوف على الناس ترده اللقمة واللقمتان والتمرة والتمرتان ولكن المسكين الذي لا يجد غنى يغنيه ولا يفطن به فيتصدق عليه ولا يقوم فيسأل الناس (متفق عليه)

87. **Abu Rafe'** reported that the Ms. of Allah sent a man of Banu Makhzum to levy Zakat. He said to Abu Rafe :[679] Come with me ; so that you may get something of it (Zakat). "No" said he, till it (Zakat) was brought to the Prophet. Then he asked him and went to the Prophet and begged of him. He said ; Verily

عن ابي رافع ان رسول الله صلى الله عليه وسلم بعث رجلا من بني مخزوم على الصدقة فقال لابي رافع اصحبني كيما تصيب منها فقال لا حتى آتي رسول الله صلى الله عليه وسلم فاسأله فانطلق الى النبي صلى الله عليه

679. Abu Rafe' was the freed man of the Holy Prophet who prohibited him from accepting Zakat. It appears from this that it is unlawful even for the slaves of Banu Hashim to accept Zakat though they may be deserving of charity. The same rule governs both the masters and the slaves.

Zakat is not lawful for us and verily the freed slaves of a people are from themselves.

Tirmizi, Abu Daud,

وسلم فسأله فقال إن الصدقة لا تحل لنا وإن موالي القوم من أنفسهم (الترمذي وابو داود)

88. **Abdullah-b-Amr** reported that the Messenger of Allah said : Zakat is not lawful for the rich, nor for one possessing health and strength. [680]

Tirmizi, Abu Daud, Darimi, Ahmad, Nisai and Ibn Majah from Abu Hurairah.

عن عبد الله بن عمرو قال قال رسول الله صلى الله عليه وسلم لا تحل الصدقة لغني ولا لذي مرة سوي (الترمذي وابوداود والدارمي واحمد والنسائي وابن ماجة عن ابي هريرة

89. **Obaidullah-b-Adi-b-Khiyar** reported : about two men, that they came to the Prophet while he was in the Farewell Pilgrimage and while he was distributing Zakat. They both begged him therefrom. He raised up his look towards us and then lowered it, and found us robust. So he said: If you like, I shall give you; but there is no share therein for the rich, nor for the able-bodied capable of earning.

Abu Daud, Nisai.

عن عبيد الله بن عدي بن الخيار قال أخبرني رجلان انهما أتيا النبي صلى الله عليه وسلم وهو في حجة الوداع وهو يقسم الصدقة فسألاه منها فرفع فينا النظر وخفضه فرآنا جلدين فقال إن شئتما اعطيتكما ولا حظ فيها لغني ولا لقوي مكتسب (ابو داود والنسائي)

90. **Ata'a-b-Yasar** reported a defective tradition saying that the Ms. of Allah said : Charity is not lawful for the rich but for five persons (1) for a warrior in the way of Allah, (2) or for its collector, (3) or for a debtor, (4) or for a man who purchased it with his property, (5) or for a man who has got a poor neighbour and so charity is

عن عطاء بن يسار مرسلا قال قال رسول الله صلى الله عليه وسلم لا تحل الصدقة لغني إلا لخمسة لغاز في سبيل الله أو لعامل عليها أو لغارم أو لرجل اشتراها بماله أو لرجل كان له جار مسكين فتصدق على

680. The rich are of three kinds : (1) those on whom Zakat is Farz or compulsory ; (2) those who cannot receive Zakat, and on whom charity of fast-breaking is binding ; (3) those for whom it is unlawful to beg. It appears from this tradition that it is unlawful for those who are stout and strong and able to earn to receive Zakat. This is the view of Imam Shafeyi ; but Imam Abu Hanifa says that this tradition has been abrogated and that the Holy Prophet used to pay Zakat to poor refugees who were able-bodied.

given to the poor man and the poor man gives it as present to the rich man.[681]

Malek, Abu Daud

المسكين فأهدى المسكين للغني

(مالك و ابو داود)

91. **Ziyad b-al-Hares Sodayi** reported: I came to the Prophet and took oath of allegiance to him. He narrated a long tradition. Then a man came to him and said: Give me something of Zakat. The Ms. of Allah said to him: Allah was not pleased with the order of the Prophet or of those beside him about charities till He passed order thereabouts. It is that He divided it into eight divisions. If you then come within those divisions, I shall give you.

Abu Daud.

عن زياد بن الحارث الصدائي قال أتيت النبي صلى الله عليه وسلم فبايعته فذكر حديثا طويلا فأتاه رجل فقال أعطني من الصدقة فقال له رسول الله صلى الله عليه وسلم إن الله لم يرض بحكم نبي ولا غيره في الصدقات حتى حكم فيها هو فجزأها ثمانية أجزاء فإن كنت من تلك الأجزاء أعطيتك

(ابو داود)

92. **Zaid-b-Aslam** reported that Omar-b-al-Khattab drank milk which pleased him. He asked one who had given him drink: Wherefrom is this milk? He informed him that he went to a well which he named when lo! there were camels from the camels of Zakat. They were then drinking water. They took milk from them. I put it in my bag of water and so it is this. Omar then entered his hand (into his throat) and took out the drink (by vomitting).[682]

Malek, Baihaqi.

عن زيد بن أسلم قال شرب عمر بن الخطاب لبنا فأعجبه فسأل الذي سقاه من أين هذا اللبن فأخبره أنه ورد على ماء قد سماه فإذا نعم من نعم الصدقة وهم يسقون فحلبوا من ألبانها فجعلته في سقائي فهو هذا فأدخل عمر يده فاستقاءه

(مالك و البيهقي)

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681. There are five rich men for whom Zakat is lawful. The debtor whose property is not sufficient to liquidate the debt can receive charity. Regarding the rich Gazi, Imam Shafeyi holds that it is lawful to give him Zakat, while Imam Abu Hanifa differs from him on the authority of some traditions.

682. This is by way of too much piety on the part of Hazrat Omar. But to enjoy a gift from third person who receives Zakat is lawful (8 : 85).

SECTION 7

683—Irrevocable Charity.

Charity or gift once given can not be revoked. Charity or gift is not valid unless attended with seisin as it is gratutious, neither is alms lawful where it consists of an undivided part of a thing capable of division. Retraction of alms is unlawful, because the object of alms is merit in the sight of Allah and that has been obtained by alms. If alms is bestowed upon a rich man, it cannot be revoked for the same reason. Gifts, however, may be revoked in some cases dealt with under the chapter of gift in note 966. In order to safeguard revocation, the secular law is that none can validly give in charity the whole of his property except to the extent of one-third. The remainder of the property is necessary for the maintenance of his family consisting of wife, children and servants. The Holy Prophet once instructed one of his companions to make such kind of charity (see Hedayah).

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93. **Omar-b-Khattab** reported: I let out a horse for riding in the way of Allah, but then he reduced that which was with him lean and thin. I intended to purchase it and thought that he would sell it with cheap price. I then asked the Prophet who said: Don't buy it and don't take back your charity, even though he gives you a *dirham* in exchange, because he who takes back his charity is like a dog who takes back his vomitted thing. In another narration: Don't take back your charity, because he who takes back his charity is like one who takes back his vomitted thing.[684] *Agreed.*

عن عمر بن خطاب قال حملت على فرس في سبيل الله فاضاعه الذي كان عنده فاردت ان اشتريه وظننت انه يبيعه برخص فسالت النبي صلى الله عليه وسلم فقال لا تشتره ولا تعد في صدقتك وان اعطاكه بدرهم فان العائد في صدقته كالكلب يعود في قيئه وفي رواية لا تعد في صدقتك فان العائد في صدقته كالعائد في قيئه (متفق عليه)

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684. Some say on the basis of this tradition that even to buy a gifted thing from the donee is unlawful, but the majority of the learned men hold it to be Makruh-Tanjihi (not commendable thing) but not unlawful.

94. **Boraidah** reported : I was seated near the Prophet when a woman came to him and said : O Ms. of Allah ! I have certainly given a slave-girl to my mother in charity, but she (mother) died. He said : Your reward has become obligatory, and heritage has returned her to you. She said : O Ms. of Allah ! there was fasting of a month due from her. Shall I fast for her ? He said : Fast for her. She said ; She did never make pilgrimage. Shall I make pilgrimage for her ? 'Yes', said he, 'make pilgrimage for her'.[685] *Muslim.*

عن بريدة قال كنت جالسا عند النبي صلى الله عليه وسلم اذ اتته امرأة فقالت يا رسول الله إني تصدقت على أمي بجارية وإنها ماتت قال وجب أجرك وردها عليك الميراث قالت يا رسول الله إنه كان عليها صوم شهر أفأصوم عنها قال صومي عنها قالت إنها لم تحج قط أفأحج عنها قال نعم حجي عنها - (مسلم)

SECTION 8

686 -Zakat Collector

Collectors of Zakat in the Islamic Regime were just like collectors of revenue of the present time. They were paid from the Baitul-Mal or Public Treasury from the item of Zakat. They were, therefore, public servants, and as such commanded public respect. These public servants received nothing from the public as bribe or presents, because by virtue of their position, presents came to them in order to arrest their favour and consequently of remission of Zakat-tax. Zakat payment was complete when the collector was satisfied in his honest demand from the debtor.

95. **Jarir-b-Abdullah** reported that the Ms. of Allah said: When the Zakat collector comes to you, let him come out from you while he is pleased with you.[687] *Muslim.*

عن جرير بن عبد الله قال قال رسول الله صلعم إذا أتاكم المصدق فليصدر عنكم وهو عنكم راض - (مسلم)

685. It is held by majority of learned theologians that a Muslim is not allowed to keep fast for another, but he is allowed to make pilgrimage for another.

687. Pay full dues, so that the collector may return pleased .

96. **Abu Humaid-as-Sayidi** reported: The Prophet appointed a man of Azd tribe called Ibnul Lutbiyyah as a Zakat-collector. When he returned (to Medina), he said : This is for you (Muslims) and these are presents to me. Then the Holy Prophet delivered sermon, praised Allah and eulogised Him and said : As for what is next, surely I have appointed some men among you in some affairs of which I am a deputy to Allah. One of them comes and says : This is for you and this is a present given to me. Why then does he not sit down in the house of his father or in the house of his mother and then see whether he is given presents or not ? By Him in whose hand there stands my life, nobody will take anything out of it but he will not be brought on the Resurrection Day carrying it on his shoulder. If he had any mule, there will be braying ; if he had a cow for him there will be bellowing for him; or a goat, he will make like voice. Then he raised up his hands, till we saw the whiteness of his two armpits. Then he said : O Allah ! have I communicated ? O Allah ! have I communicated ? [688]

Agreed

97. **Jaber-b-Atik** reported that the Ms. of Allah said: There will soon come to you small groups (of Zakat-collectors) who will not be liked. When they come to you, welcome them and leave them between them and between what they seek (Zakat). If they are just, they are so for

عن ابي حميد الساعدي قال استعمل
النبي صلى الله عليه وسلم رجلا من الازد يقال
له ابن اللتبية على الصدقة فلما قدم قال هذا لكم
وهذا اهدي لي فخطب النبي صلى الله
عليه وسلم فحمد الله واثنى عليه ثم قال
اما بعد فاني استعمل رجالا منكم على امور مما
ولاني الله فياتي احدهم فيقول هذا لكم وهذه
هدية اهديت لي فهلا جلس في بيت ابيه
او بيت امه فينظر ايهدى له ام لا والذي نفسي
بيده لا ياخذ احد منه شيئا الا جاء به يوم
القيمة يحمله على رقبته ان كان بعيرا له رغاء
او بقرا له خوار او شاة تيعر ثم رفع يديه حتى
راينا عفرة ابطيه ثم قال اللهم هل بلغت
اللهم هل بلغت ـ (متفق عليه)

عن جابر بن عتيك قال قال رسول الله
صلى الله عليه وسلم سياتيكم ركيب مبغضون
فاذا جاؤكم فرحبوا بهم وخلوا بينهم وبين ما
يبتغون فان عدلوا فلانفسهم وان ظلموا فعليهم

688. The collectors have been warned in this tradition and strictly prohibited from taking even presents from people, not to speak of illegal gratifications ; because by virtue of their positions as collectors, people will like to make presents for favour to be shown to them.

themselves, and if they oppress they are so against themselves. Please them, because the perfection of your Zakat is in their pleasure and let them pray for you. *Abu Daud.*

وارضوهم فان تمام زكوتكم رضاهم وليدعوا لكم
(ابو داود)

98. **Jarir-b-Abdullah** reported that some men—meaning desert Arabs—came to the Prophet and said: Some of the Zakat-collectors come to us and oppress us. He said: Please your Zakat-collectors. They enquired: O Ms. of Allah, even if they oppress us? He replied: Please your Zakat-collectors even though you are oppressed. *Abu Daud.*

عن جرير بن عبد الله قال جاء ناس يعني من الاعراب الى رسول الله صلى الله عليه وسلم فقالوا ان ناسا من المصدقين يأتونا فيظلمونا فقال ارضوا مصدقيكم قالوا يا رسول الله وان ظلمونا قال ارضوا مصدقيكم وان ظلمتم
(ابو داود)

99. **Rafe'-b-Khadij** reported that the Holy Prophet said: The Zakat-collector who is just is like the warrior (gazi) in the way of Allah till he returns to his house. *Abu Daud, Tirmizi.*

عن رافع بن خديج قال قال رسول الله صلعم العامل على الصدقة بالحق كالغازي في سبيل الله حتى يرجع الى بيته
(ابوداود والترمذي)

100. **Amr-b-Shu'aib** reported from his father from his grandfather who said that the Ms. of Allah said: There's no shilly-shallying (in Zakat payment), and their Zakat shall not be levied except in their houses.[689] *Abu Daud.*

عن عمرو بن شعيب عن ابيه عن جده عن النبي صلى الله عليه وسلم قال لا جلب ولا جنب ولا تؤخذ صدقاتهم الا في دورهم
(ابو داود)

101. **Anas** reported that the Ms. of Allah said: The collector who levies excess Zakat is like one who denies it. *Abu Daud, Tirmizi.*

عن انس قال قال رسول الله صلى الله عليه وسلم المعتدي في الصدقة كمانعها
(ابو داود والترمذي)

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689. "There's no shilly-shallying" means that the collector should not be forced to go to search for the payer when there is the flock of sheep or cattle and that the collector should not put up his camp at a remote place. Collection should be made from door to door by the collectors and the payers should not be forced to come to the head-quarters of the collector for payment.

CHAPTER IX

SECTION I

690—Diseases and Treatment

(a) *Medicine is in accordance with God's law*: There are some persons who absolutely rely on Allah and do not take any kind of medicine for treatment of their diseases on the following grounds—(1) when there is the fixed time of death, medicines will be of no use; (2) when there are rewards in diseases, cure should not be hastened; (3) when there is expiation of sins in diseases and disasters, their continuation is a blessing. The answer to these grounds are that these conceptions against medicines at thetime of diseases are opposed to God's laws which are nothing but natural laws of the universe. Had the order been against medicine, the Holy Prophet, the greatest of those who rely upon God, would not have taken medicines. The rule is that a natural law must operate and there is no changing of such law (17:77Q). Nature is not at all arbitrary. It is cosmos but not chaos. In other words, if a man feels the pangs of hunger, he must take the medicine of food in order to counteract it; if he feels thirsty, he must take the medicine of water. Similarly, if he is bitten by a poisonous snake, something must be taken in order to counteract the effect of poison on system. The Holy Prophet himself cured a snake-bitten man by giving him salt and hot water to drink (9: 264w). 'Mutawakkel' or one who relies absolutely upon God cannot give up food and drink. It is not also in keeping with the wishes of God. On the contrary, if one believes in the efficacy of God's law, he believes in Allah. If he disbelieves it, he disbelieves in Allah. Allah's power is manifested in the created things. To take fullest advantage of these created things is to recognise Allah's power. There is another ground for taking medicine. Diseases and disasters are injurious things. Therefore, a pious man must remove these injurious things by the counteracting forces of good (i.e. medicines) given by Allah. As heat is removed by cold, and cold by heat, so also forces of good like medicine remove forces of bad. The Holy Prophet used to pray: O Allah! give me good of this world and good of the Next as well. The medicines should also be taken by a 'Mutawakkil' (God-relying man) in order to gain health which is essentially necessary for *'abadat'* (divine service).

(b) *'For every disease, there is a medicine'* is the message of the H ly Prophet of Arabia. There is, therefore, no incurable disease in the world. What was thought incurable some years back, has become curable by lapse of years in recent times, and what was thought incurable some 500 years ago, became curable sometimes after that. There will come a time when the diseases, now taken as incurable, will prove curable in like manner, thereby proving the truth of the message of the Ms of Allah.

(c) *'There is no contagious disease'* is another message of the Holy Prophet. He means by contagious disease any disease which is caught by touch or air. The Prophet, however, declared that there are some wide-spread and infectious diseases which are known by the general name of Ta'un (cholera, small-pox, plague). These diseases generally spread rapidly, not by touch but on account of the rapid spread of germs in the infected house or locality. In this sense, cholera stands on the same footing with small-pox and other diseases of such virulent type except in the degree of spread of germs. The Holy Prophet prohibited men of the infected places to go out of their localities to other localities and men of the outside localities from coming to the infected localities (3 : 44). This proves that germs of some diseases rapidly spread and are dangerously poisonous like some special poisonous reptiles. If there is any disease which is caught by touch or air, the question remains to be solved—by whose touch did the first man catch the the disease (9 : 64) ? 'Flee away from leprosy' said the Prophet in the above sense (9 : 63) See notes 302 and 252 for causes or wide spread pestilence and epidemics.

(d) *Best modes of treatment.* Broadly speaking, the best modes of treatment are four—Hizamat, Lodud, Saut and Mash'ye (6 : 41). Hizamat is cupping. Lodud is a medicine used through mouth ; Saut is a medicine used through nose and Mash'ye is a medicine for purgation of bowels. Cupping has been very much recommended by the Holy Prophet, and he himself took cupping regularly in every month. Cupping is specially useful in cases of rheumatism and headache and other pains of general nature It is also useful in blood-pressure. It is the easiest, cheapest and the most useful method of treatment. If it is regularly taken as prescribed in the Hadis, there would remain no general complaint of the body.

(e) *Enchantments and charms.* These are unlawful if inconsistent with the Quran and Hadis. In other words, if there is any word in an enchantment which smacks of polytheism or contains names of idols or partners with Allah, it is disallowed. If, however, the verses of the Quran or supplications in some form or other, or names of Allah are recited, they are allowed. Enchantment is specially necessary in case of diseases caused by bad and inauspicious look of men and ginn and in bites of snakes and other poisonous reptiles and animals. Some enchantments have been prescribed in the following traditions :— (9 : 51, 52, 53, 55, 56, 58, 59, 61).

(*f*) *Impure medicines* : The following things even for medicinal purposes are unlawful—filth, semen of men, stool, urine etc. (9 : 26) Unlawful animals such as swine and unlawful things such as wine are, however, lawful to be taken when pressed by extreme necessity of saving life. Speaking of unlawful food, the Holy Quran says : Whoever is compelled by hunger not inclining wilfully to sin, then surely Allah is Forgiving, Merciful (5 : 3 Q.)

(*g*) The Arabs gave a tremendous impetus to the science of medicine. They invented chemical pharmacy and founded dispensaries. They were the first to establish regular hospitals. Albucasis (Abdul Kalaf-b-Abbas) was not only a physician but a surgeon of the first rank. Avicenna (Ibn Sina) was a great astronomer and physician. His great works are the Canoon and Arjuza, the works of medical knowledge. It is stated that at Bagdad alone, there were 380 medical men. It is to be inferred from this the great number of physicians in the prosperous cities of Cardova, Sevile and Cairo.

(*i*) *Honey* is a cure for many diseases. The holy Quran says about honey : There comes from within it a drink of many colours in which there is healing for men—16 : 69 Q. Therefore the thing which has been recommended by the Quran must be taken as useful. Honey has the property of heat. So a man of hot temper should not take it, as in that case there will be further heat in his system. The rule is that one thing is destroyed by its opposite. Heat destroys cold and vice-versa. If a man gets cold and cough he must remain in warm cloth. Similar is the use of honey. The Holy Prophet said that honey, if used thrice in a month in the morning, will save a man from many diseases.

(ii) Black-seed is also a cure for some general diseases—9 : 7. It has the property of making things dry and contracted. Therefore it is specially useful in cases of women just after child-birth, and in cold and cough.

(*iii*) *Costus of sea* : It is white substance of sea. It is a panacea for all diseases of general type. It has got the property of dryness like the black-seed. It is specially useful in pleurisy. Olive oil is also useful in case of pleurisy (9 : 22).

(*IV*) *Henna* cures some diseases such as wounds, cuts, bruises and other pains, as henna has got soothing and cooling effect. (9 : 26, 28)

(*V*) *Dates*: The Holy Prophet said: Whoever takes seven best dates in the morning, neither poison nor insomnia will injure him that day—11 : 48. Dates are antidotes and cure may diseases—11 : 49, 63. They destroy poison.

(*VI*) Fever is nothing but heat. So the law of opposite will apply. In other words, heat is destroyed by cold Therefore cold things such as bath has been recommended 9 : 12, 61). Recently doctors advice that water and ice should be used. In special cases of fever such as typhoid fever, nothing is so useful as cold bath from head to foot. This proves the truth of the Holy Prophet's word. In cases of cold, cough, paralysis and other diseases arising out of cold, heat or hot things should be applied:

(*h*) *Operation*: Operation is lawful in case of wounds, cuts and other pains or diseases which require operations according to expert men of medical science (9 : 5). The Holy Prophet himself operated some of his companions in cases of bullet or arrow wounds.

(*i*) *Stomach*: Stomach is the most important place of body for health. It is, as it were, the fountain of health. If the stomach is healthy, the veins connecting with it carry healthy and pure blood throughout the body; and if the stomach is unsound, the veins carry diseases. Hence special care should be taken of stomach, and clearance of bowels.

(*j*) *Nursing patients*. How to nurse and how to get rewards by nursing have been fully discussed in note 219. Complete rest and diet mostly desired by patients should be given. Prayer for the sick should be made and blessing from him be taken, because blessing of a sick man is mostly accepted. Along with the use of medicines, prayer for recovery of the patient shall be sincerely offered as "more things are wrought by prayer than this world dreams of." The following prayer has been recommended: O Lord of men! remove this trouble. O Thou Healer! heal. There is no cure except Thy cure, such a cure as will leave no disease (3 : 43). The man who nurses is felicitated by angels from heaven. They say: Happy are you! happy are you!—3 : 50

1. **Abu Hurairah** reported that the Msesenger of Allah said: Allah sent no disease for which He sent no cure.[691]. *Bukhari*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ مَا أَنْزَلَ اللّٰهُ دَاءً إِلَّا أَنْزَلَ لَهُ شِفَاءً (اَلْبُخَارِيُّ)

691. There is a solemn declaration of the Holy Prophet that there is medicine for every disease in the world. There is everything in this

2 Ja'ber reported that the Messenger of Allah said: For every disease, there is a medicine. So when the medicine is applied to the disease, he becomes cured by permission of Allah.[692] *Muslim.*

عن جابر قال رسول الله صلى الله عليه وسلم لكل داء دواء فاذا اصيب دواء الداء برء باذن الله (مسلم)

3 Abn Abbas reported that the Messenger of Allah said: Cure is in three things—in the incision of a cupper[693] or in the drink of honey or in the cauterization with fire. And I have forbidden my people from cauterization. *Bukhari.*

عن ابن عباس قال قال رسول الله صلى الله عليه وسلم الشفاء في ثلث في شرطة محجم او شربة عسل او كية بنار وانا انهى امتي عن الكي (البخاري)

4 Jaber reported that Ubay was struck by an arrow in the battle of the Allies on his arm-vein. The Ms. of Allah cauterized him. *Muslim.*

عن جابر قال رمي ابي يوم الاحزاب على اكحله فكواه رسول الله صلعم - (مسلم)

5 Same reported that Sa'ad-b-Muaz was struck by an arrow on his arm-vein. The Prophet then operated it with

عنه قال رمي سعد بن معاذ في اكحله فحسمه النبي صلى الله عليه وسلم بيده

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world for cure of diseases. It is only our want of knowledge or ignorance in the properties of things or in harmonious proportion of things that we can't apply a particular thing to a particular disease. There is no ground to hold that there is no medicine for a particular disease.

692. Two things are necessary for the cure of a disease, medicine and Allah's wish. Muslims should entertain an idea that medicines and Allah's wish should combine to bring a cure. To use medicine in case of disease is commendable (Mustahab). If a man does not use medicine, he is just like one who refuses food if it comes to him at the time of hunger,

693. Cupping is most useful in blood-pressure, rheumatism, head-ache, pain and other diseases, because most of the common diseases spring from defect in blood, want of free circulation of blood or congestion in blood in particular parts of the body. If injurious blood or injurious juice or sweat of the body is taken out by means of cupping, great many diseases are cured. But it is to be regretted that this important mode of treatment is out of use in modern times. Honey is admittedly a most potent factor in curing diseases of various kinds. Its property of cure has even been guaranteed by the Holy Quran (16 : 69 Q.) Qai means cauterization. In other words, this is the extraordinary form of treatment when wounds, cuts and bruises are not cured by ordinary means. This takes the place of surgery in modern times.

a scissor with his own hand. Afterwards it got swollen. So he operated it for the second time.[694] *Muslim*

بمشقص ثم ورمت فحسمه الثانية - (مسلم)

6. **Ja'ber** reported that the Messenger of Allah sent a physician for Obai-b-Ka'ab. He took out a vein from him (by operation) and then cauterized him over it. *Muslim.*

عن جابر قال بعث رسول الله صلى الله عليه و سلم الى ابي بن كعب طبيبا فقطع منه عرقا ثم كواه عليه - (مسلم)

7. **Abu Hurairah** reported that he heard the Messenger of Allah say : There is cure in black seed[695] for every disease except death. *Agreed*

عن ابي هريرة انه سمع رسول الله صلى الله عليه و سلم يقول في الحبة السوداء شفاء من كل داء الا السام - (متفق عليه)

8. **Abu Sayeed al-Khodri** reported that a man came to the Holy Prophet and said : Verily my brother has got looseness of bowels. The Messenger of Allah said : Give him honey. So he gave him honey.[696] Afterwards he came and said : I gave him honey but it did not increase but motions. He directed him three times. Then he came for the fourth time. He said : Give him honey to drink. He said : I gave him to drink, but it did not increase but motions. Then the Ms. of Allah said : Allah has spoken the truth and the belly of your brother has proved false. He gave him drink and then he recovered. *Agreed.*

عن ابي سعيد ن الخدري قال جاء رجل الى النبي صلى الله عليه و سلم فقال ان اخي استطلق بطنه فقال رسول الله صلعم اسقه عسلا فسقاه ثم جاء فقال سقيته فلم يزده الا استطلاقا فقال له ثلاث مرات ثم جاء الرابعة فقال اسقه عسلا فقال لقد سقيته فلم يزده الا استطلاقا فقال رسول الله صلعم صدق الله و كذب بطن اخيك فسقاه فبرأ (متفق عليه)

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694. Surgery and operation in case of wounds and cuts are allowed by this tradition.

695. Black seed called in Bengali '*Kalazira*' is taken by women generally after child-birth. It is a general medicine for all diseases, and special medicine for cold and cough and such kind of diseases, because it has the property of making everything dry. The law of opposite will apply-cold is cured by heat and vice-versa. Ibn Shihab explained Sa'am as death and black seed as Shaonij.

696. Looseness of bowels is due to indigestion, and indigestion means too much hard things in belly which are incapable of being used by bowels. Honey takes out the indigested things by purgation and gives digestive power to bowels.

9. **Anas** reported that the Messenger of Allah said : The best of what you treat with is cupping and maritime costus.[697]

Agreed.

عَنْ اَنَسٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم اِنَّ اَمْثَلَ مَا تَدَاوَيْتُمْ بِهِ الْحِجَامَةُ وَ الْقُسْطُ الْبَحْرِيُّ (مُتَّفَقٌ عَلَيْهِ)

10. **Anas** reported that the Messenger of Allah said : Give no trouble to your children by introducing hand into their throat for throat diseases, you should take to costus. *Agreed.*

عَنْ اَنَسٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم لَا تُعَذِّبُوْا صِبْيَانَكُمْ بِالْغَمْزِ مِنَ الْعُذْرَةِ وَ عَلَيْكُمْ بِالْقُسْطِ (مُتَّفَقٌ عَلَيْهِ)

11. **Umme-Qais** reported that the Messenger of Allah said : Give no trouble to your children with this treatment. You should take to this Indian costus, because therein there are seven cures ; one of them is pleurisy arising out of throat-disease which then gives rise to pleurisy. *Agreed.*

عَنْ اُمِّ قَيْسٍ قَالَتْ قَالَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَ سَلَّمَ عَلٰى مَا تَدْغَرْنَ اَوْلَادَكُنَّ بِهٰذَا الْعِلَاقِ عَلَيْكُنَّ بِهٰذَا الْعُوْدِ الْهِنْدِيِّ فَاِنَّ فِيْهِ سَبْعَةَ اَشْفِيَةٍ مِنْهَا ذَاتُ الْجَنْبِ يُسْعَطُ مِنَ الْعُذْرَةِ وَ يُلَدُّ مِنْ ذَاتِ الْجَنْبِ - (مُتَّفَقٌ عَلَيْهِ)

12 **Ayesha and Rafe-b-Khadiz** reported from the Prophet who said : Fever comes from smoke of hell. So make it cold with water.[698]

Agreed.

عَنْ عَائِشَةَ وَ رَافِعِ بْنِ خَدِيْجٍ عَنِ النَّبِيِّ صَلَّى اللّٰهُ عَلَيْهِ وَ سَلَّمَ قَالَ الْحُمّٰى مِنْ فَيْحِ جَهَنَّمَ فَابْرُدُوْهَا بِالْمَاءِ - (مُتَّفَقٌ عَلَيْهِ)

13. **Anas** reported that the Prophet permitted enchantment from bad look, snake-bites and small pustules.[699]

Muslim.

عَنْ اَنَسٍ قَالَ رَخَّصَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَ سَلَّمَ فِى الرُّقْيَةِ مِنَ الْعَيْنِ وَ الْحُمَةِ وَ النَّمْلَةِ (مُسْلِمٌ)

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697. *Costus of sea* : It makes menstrual blood flow, secrets urine, removes poisonous things in system and excites sexual passion. Its drink kills worms of belly Bath with its water is of some use to sleeplessness.

698. As cold is removed by heat in accordance with the law of opposites, so also the heat of fever can be removed by cold water in the form of washing of head and other limbs of the body. Of course, sudden heat and sudden cold may bring injury. Therefore fever can not be suddenly removed but by slow degrees.

699. Enchantment by Quranic verses and with the names of Allah

14. **Ayesha** reported that the Holy Prophet gave direction that we should use charms from (bad) look.[700] *Agreed.*

عن عائشة قالت امر النبي صلى الله عليه وسلم ان نسترقي من العين . (متفق عليه)

15. **Umme Salama** reported that the Holy Prophet saw a girl in her house who had yellow-colour meaning jaundice in her face. He said : Seek enchantment for her, because there is surely (bad) look with her. *Agreed.*

عن ام سلمة ان النبي صلى الله عليه وسلم راى في بيتها جارية في وجهها سفعة تعني صفرة فقال استرقوا لها فان بها النظرة . (متفق عليه)

16. **Ja'ber** reported that the Messenger of Allah prohibited charms. So the family of Amr-b-Hajam came and said : O Ms. of Allah ! he was a charmer to us, healing us therewith from snake-bites, but you prohibited charms. They submitted it to him and then he said : I don't find any fault in it. Whoever among you is capable of doing benefit to his brother, let him do him benefit. *Muslim.*

عن جابر قال نهى رسول الله صلى الله عليه وسلم عن الرقى فجاء آل عمرو بن حزم فقالوا يا رسول الله انه كانت عندنا رقية نرقي بها من العقرب وانت نهيت عن الرقى فعرضوها عليه فقال ما ارى بها باسا من استطاع منكم ان ينفع اخاه فلينفعه . (مسلم)

17. **Auf-b-Malek** Al-Ash'jayi reported : We used to use charms in the days of Ignorance. So we enquired : O Ms. of Allah ! how do you consider about it ? He replied : Present your charmers to me. There's no harm in charm, so long as there is no polytheism in it.[701] *Muslim.*

عن عوف بن مالك الاشجعي قال كنا نرقي في الجاهلية فقلنا يا رسول الله كيف ترى في ذلك فقال اعرضوا على رقاكم لا باس بالرقى ما لم يكن فيه شرك (مسلم)

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is allowed in all kinds of diseases, but it is more useful in these three cases : (1) diseases which spring from evil look of men and ginn, (2) diseases from snake and poisonous animals, and (3) namlah.

700. It is seen how charms are wonderfully useful in snakbites. Even doctors cannot successfully cure such cases with the advanced science of medicine.

701. The best kind of charm that can be made is with the verses of the Quran ; and among the verses, charm by the first chapter 'Fatehah' (1 : 1 Q), the last two chapters, (113, 114 Q), Ayatul Kursi (2 : 255 Q) and those verses which deal with refuge to Allah and those verses and names

18. **Ibn Abbas** reported from the Holy Prophet who said : (Bad) look is true. Had there been anything which could have preceded pre-measurment, it would have been (bad) look ; and when you want to wash, then wash.[702] *Muslim.*

عن ابن عباس عن النبي صلى الله عليه وسلم قال العين حق فلو كان شيء سابق القدر سبقته العين و اذا استغسلتم فاغسلوا (مسلم)

19. **Osamah-b-Sharik** reported that they enquired : O Ms. of Allah ! shall we not use medicine? 'Yes' replied he,'O servants of Allah, use medicine because surely Allah did not create any disease but for which He has not created cure except one disease—old age. *Abu Daud, Tirmizi, Ahmad.*

عن اسامة بن شريك قال قالوا يا رسول الله انتداوى قال نعم يا عباد الله تداووا فان الله لم يضع داء الا وضع له شفاء غير داء واحد الهرم - (احمد و الترمذي و ابو داود)

20. **Okbah-b-A'mer** reported that the Ms. of Allah said : Don't force your sick men to take food, because Allah will give them food and drink.[703]

Ibn Majah, Tirmizi (Rare).

عن عقبة بن عامر قال قال رسول الله صلى الله عليه وسلم لا تكرهوا مرضكم على الطعام فان الله يطعمهم و يسقيهم - ابن ماجة و الترمذي (غريب)

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of Allah which were recommended by the Prophet in Hadis, is the best. The following verses of the Quran dealing with cures are also the well-known charms for recovery. It is narrated from Sheikh Abdul Qasam Qushairi that his son was seriously ill. Nothing could cure it. One night he dreamed the Prophet who said that the verses dealing with cure in the Quran might heal the disease of his son. He did accordingly and his son was cured. (Mawaheb Ladunish). The verses of cure are six and they are the following in respect of order—9 : 15 ; 10 : 57 ; 16 : 69 ; 17 : 82 ; 26 : 80 ; 41 : 44.

و يشف صدور قوم مؤمنين - و شفاء لما في الصدور - يخرج من بطونها شراب مختلف الوانه فيه شفاء للناس - ننزل من القران ما هو شفاء و رحمة للمؤمنين - و اذا مرضت فهو يشفين - قل هو للذين امنوا هدى و شفاء -

702. It was the practice of the pre-Islamic Arabs that the object of bad look would have been washed with water. Prophet allowed it as lawful.

703. Allah will give him food and drink means as follows. Food and drink are necessary for maintenance of the body in normal circumstances when body requires them. In case of health, food and drink should not

21. **Anas** reported that the Holy Prophet cautrized As'ad-b-Jorarah of thorn.

Tirmizi (Rare).

عن انس ان النبي صلى الله عليه وسلم كوى اسعد بن زرارة من الشوكة- الترمذي (غريب)

22. **Zaid-b-Arqam** reported: The Ms. of Allah enjoined us to treat pleurisy with costus of the sea and olive oil.

Tirmizi.

عن زيد بن ارقم قال امرنا رسول الله صلى الله عليه وسلم ان نتداوى من ذات الجنب بالقسط البحري والزيت (الترمذي)

23. **Same** reported: The Ms. of Allah used to recommend olive oil and 'wars' (yellow grass) for pleurisy.

Tirmizi.

عنه قال كان رسول الله صلى الله عليه وسلم ينعت الزيت والورس من ذات الجنب (الترمذي)

24. **Asma-bn-Omais** reported that the Prophet asked her with what thing she made motion of stools. She said: With shobram.[704]. He said: Hot, hot. She said: Afterwards I made motion of stool with sana. Then the Prophet said: Had there been anything which would have been a cure for death, it would have been in sana.

Ibn Majah, Tirmizi,

(Approved, Rare).

عن اسماء بنت عميس ان النبي صلى الله عليه وسلم سالها بما تستمشين قالت بالشبرم قال حار حار قالت ثم استمشيت بالسنا فقال النبي صلعم لو ان شيئا كان فيه الشفاء من الموت لكان في السنا -

ابن ماجة والترمذي (حسن غريب)

25. **Abu Darda'a** reported that the Ms. of Allah said: Verily Allah sent diseases and medicines and created medicine for every disease So take medicine but do not be treated with unlawful things.[705]

Abu Daud.

عن ابي الدرداء قال قال رسول الله صلى الله عليه وسلم ان الله انزل الداء والدواء وجعل لكل داء دواء فتداووا ولا تداووا بحرام (ابو داود)

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be taken if they are not wanted by body. If they are taken by undue request of another as in a feast, it will be injurious to body. Therefore in illness, when the body does not want food, it should not be admitted to him forcibly because forcible feeding will make him injury. Allah will sustain his body during such unwillingness even without food and drink or with something which will save the purpose of feeding.

704. Shobram is a kind of grass having properties of purgation. Some say it is a hew of seed-water boiled with seed and is taken for purgation.

705. Unlawful things are wine, pork and other things. Medicines of these things are unlawful for use.

26. **Abu Hurrairah** reported that the Ms. of Allah forbade use of impure medicines.[706]

Ahmad, Abu Daud, Tirmizi, Ibn Majah,

عن ابي هريرة قال نهى رسول الله صلى الله عليه وسلم عن الدواء الخبيث - (احمد وابو داود والترمذي وابن ماجة)

27. **'Salama'**, a maid of the Holy Prophet reported that there was none who complained to the Prophet about his headache except that he said, "Get cupping", and about pain in his legs except that he said : Anoint them with henna.[707] *Abu Daud.*

عن سلمى خادمة النبي صلى الله عليه وسلم قالت ما كان احد يشتكى الى رسول الله صلعم وجعا في رأسه الا قال احتجم ولا وجعا في رجليه الا قال اختضبهما - (ابو داود)

28. **Same** reported : There was no cut or bruise of the Holy Prophet except that he ordered me to apply henna thereon.

Tirmizi.

عنها قالت ما كان يكون برسول الله صلى الله عليه وسلم قرحة ولا نكبة الا امرني ان اضع عليها الحناء - (الترمذي)

29. **Abu Kabsha al-Anmari** reported that the Ms. of Allah used to take cupping over the vertex of his head and between his two shoulders, and he used to say : Whoever takes out this blood will not be injured if he does not take treatment for anything with anything.

Abu Daud, Ibn Majah.

عن ابي الكبشة الانماري ان رسول الله صلى الله عليه وسلم كان يحتجم على هامته وبين كتفيه وهو يقول من اهراق من هذه الدماء فلا يضره ان لا يتداوى بشيء لشيء - (ابو داود وابن ماجة)

30. **Jaber** reported that the Holy Prophet used to get cupping on his hip-bone on account of rheumatism which affected him. *Abu Daud.*

عن جابر ان النبي صلى الله عليه وسلم احتجم على وركه من وثي كان به - (ابوداود)

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706. Impure medicines are those that are uncongenial to nature, such as dungs, wines, semen, filth etc.

707. The most useful medicine of headache is cupping, because cupping purifies the impurities of head and thus helps for circulation of pure blood. It appears from this that 'mehdi-leaves' or henna-leaves are cures for pain in legs ; and henna-leaves have also cooling effect.

31. **Ibn Mas'ud** reported that the Ms. of Allah talked of the night wherein he was taken to heaven. He did not pass any place of the angels but they did not tell him : Tell your people to get cupping.
Ibn Majah, Tirmizi
(Approved, Rare)

عن ابن مسعود قال حدث رسول الله صلى الله عليه وسلم عن ليلة اسرى به انه لم يمر على ملأ من الملئكة الا امروه مر امتك بالحجامة ـ
ابن ماجة والترمذي (حسن غريب)

32. **Anas** reported that the Ms. of Allah used to take cupping in the shoulder and in the place between two ears.
Abu Daud, Tirmizi, Ibn Majah.

عن انس قال كان رسول الله صلى الله عليه وسلم يحتجم في الاخدعين والكاهل -
(ابو داود والترمذي وابن ماجة)

33. **Abdur Rahman-b-Osman** reported that a physician asked the Holy Prophet about frog being used in a medicine. The Prophet prohibited him from killing it.
Abu Daud

عن عبد الرحمن بن عثمان ان طبيبا سأل النبي صلعم عن ضفدع يجعلها في دواء فنهاه النبي صلعم عن قتلها (ابو داود) -

34. **Abu Hurairah** reported from the Ms. of Allah who said : Whoever gets cupping on the 17th, 19th, or 21st. day, that will be cure for every disease. *Abu Daud.*

عن ابي هريرة عن رسول الله صلى الله عليه وسلم قال من احتجم لسبع عشرة وتسع عشرة واحدى وعشرين كان شفاء من كل داء ـ (ابو داود)

35. **Kabshah**, daughter of Abu Bakr reported that her father used to prevent his family members from getting cupping on Tuesday and reported from the Ms. of Allah that Tuesday is the day of blood and there is an hour therein when blood does not stop. *Abu Daud.*

عن كبشة بنت ابي بكر ان اباها كان ينهى اهله عن الحجامة يوم الثلثاء ويزعم عن رسول الله صلى الله عليه وسلم ان يوم الثلثاء يوم الدم وفيه ساعة لا يرقأ ـ
(ابوداود)

36. **Juhri** reported a defective tradition from the Prophet who said : Whoever gets cupping on Wednesday or Saturday

عن الزهري مرسلا عن النبي صلعم من احتجم يوم الاربعاء او يوم السبت فاصابه

and then gets pain, he must not blame other than himself.

Ahmad, Abu Daud.

وضع فلا يلومن الا نفسه - (احمد و ابو داود)

37. Jainab, wife of Abdullah-b-Mas'ud reported that Abdullah found a thread in my neck and said: What is this? I replied: Thread in which charms have been recited for me.[708] Then he took and cut it and afterwards said: You are wives of Abdullah free from polytheism. I heard the Ms. of Allah say: Verily charms, amulets and witchcraft amount to polytheism. I enquired: Why do you say like this? My eyes were giving me trouble and I was following a certain Jew. When he recited charms over it, they became cool. Abdullah said: That is surely the work of the devil who was pricking them with his own hand, but when 'charms' were recited, he withheld from it. It would suffice you if you said what the Holy Prophet used to say: O Lord of men! remove this trouble; and heal, O Thou Healer. There is no cure except Thy cure, a cure which does not leave any ailment.

Abu Daud.

عن زينب امرأة عبد الله بن مسعود ان عبد الله رأى في عنقي خيطا فقال ما هذا فقلت خيط رقي لي فيه قالت فاخذه فقطعه ثم قال انتم آل عبد الله لاغنياء عن الشرك سمعت رسول الله صلى الله عليه وسلم يقول ان الرقى و التمائم و التولة شرك فقلت لما تقول هكذا لقد كانت عيني تقذف وكنت اختلف الى فلان اليهودي فاذا رقاها سكنت فقال عبد الله انما ذلك عمل الشيطان كان ينخسها بيده فاذا رقي كف عنها انما كان يكفيك ان تقولي كما كان رسول الله صلعم يقول اذهب الباس رب الناس و اشف انت الشافي لا شفاء الا شفاؤك شفاء لا يغادر سقما - (ابو داود)

38. Abdullah-b-Omar reported: I heard the Ms. of Allah say: I don't care for what I do whether I drink Tiryaq, or hung up amulet on my neck, or recite poetry from my ownself.[709]

Abu Daud.

عن عبد الله بن عمر قال سمعت رسول الله صلعم يقول ما ابالي ما اتيت ان انا شربت ترياقا او تعلقت تميمة او قلت الشعر من قبل نفسي - (ابو داود)

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708. This is a charm peculiar to pre-Islamic Arabs. In those charms, the names of idols and devils were taken.

709. I shall be one of those who do not care anything or guard themselves from unlawful things, provided I take wine, or hung up amulet or recite poetry. In other words, these things are bad. Tiryaq is a kind of food consisting of meat of snakes and wine. Amulets are not prohibited but amulets of the days of Ignorance have been prohibited. Good poetry also is not prohibited (See note 797.)

39. **Mugira-b-Shu'ba** reported that the Holy Prophet said: Whoever cauterizes or seeks charm has indeed become free from reliance.[710]

—*Ahmad, Tirmizi, Ibn Majah.*

عن المغيرة بن شعبة قال قال النبي صلى الله عليه وسلم من اكتوى او استرقى فقد برئ من التوكل -

(احمد والترمذي وابن ماجة)

40. **Isa-b-Hamzah** reported: I went to Abdullah-b-Okaim who had erysipelas. I said: Should you not hang up an amulet? He said: We seek refuge to Allah from that. The Messenger of Allah said: Whoever hangs up anything is entrusted to it. —*Abu Daud.*

عن عيسى ابن حمزة قال دخلت على عبد الله بن عكيم وبه حمرة فقلت الا تعلق تميمة فقال نعوذ بالله من ذلك قال رسول الله صلى الله عليه وسلم من تعلق شيئا وكل اليه -

(ابو داود)

41. **Imran-b-Hussain** reported that the Messenger of Allah said: There is no charm except for evil look and bites (of poisonous animals).

—*Ahmad, Abu Daud, Tirmizi, Ibn Majah* from Boraidah.

عن عمران بن حصين ان رسول الله صلى الله عليه وسلم قال لا رقية الا من عين او حمة -

(احمد والترمذي وابو داود وابن ماجة عن بريدة)

42. **Anas** reported that the Messenger of Allah said: There is no charm except for evil look or bites (of poisonous animals) or blood. —*Abu Daud.*

عن انس قال قال رسول الله صلى الله عليه وسلم لا رقية الا من عين او حمة او دم -

(ابو داود)

43. **As'ma-bn-Omais** reported that she enquired: O Messenger of Allah! as for the sons of Ja'far, verily evil look hastens to them. Shall we seek charm for them? 'Yes' replied he, 'because if there is anything which preceded pre-measurement, it is surely (evil) look.'

—*Ahmad, Tirmizi, Ibn Majah.*

عن اسماء بنت عميس قالت يا رسول الله ان ولد جعفر تسرع اليهم العين افنسترقي لهم قال نعم فانه لو كان شيء سابق القدر لسبقته العين -

(احمد والترمذي وابن ماجة)

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710. These charms and cauterizations are allowed and lawful, but they are not good for man of absolute reliance on Allah.

44. Shefa-bn-Abdullah reported that the Messenger of Allah entered while I was near Hafsa. He said: Do you not teach her this charm for small pustules as you taught her writing? —*Abu Daud*

عن الشفاء بنت عبد الله قالت دخل رسول الله صلى الله عليه وسلم وانا عند حفصة فقال الا تعلمين هذه رقية النملة كما علمتها الكتابة ۔ (ابو داؤد)

45. Abu Sayeed al-Khodri reported that the Messenger of Allah used to seek refuge from ginn and (evil) look of man till the Refuging verses (113 Q., 114 Q.,) were revealed. When they came down, he had recourse to them and gave up what is besides them —*Ibn Majah, Tirmizi* (*Approved, Rare*).

عن ابي سعيد الخدري قال كان رسول الله صلى الله عليه وسلم يتعوذ من الجان وعين الانسان حتى نزلت المعوذتان فلما نزلتا اخذ بهما وترك ما سواهما ۔

ابن ماجة والترمذي (حسن غريب)

46. Ayesha reported: The Messenger of Allah said to me: Were the strangers seen among you? I enquired: Who are the strangers? He said: Those in whom ginn take part.[711] —*Abu Daud.*

عن عائشة قالت قال لي رسول الله صلعم هل رئي فيكم المغربون قلت وما المغربون قال الذين يشترك فيهم الجن (ابوداود)

47. Osman-b-Abdullah-b-Maohab reported: My wife sent me to Umme-Salamah with a cup of water, and when evil look or something afflicted a man, he used to send a cup to her. She took out some hairs of the Prophet which he used to keep in a cup of gold. She mixed

عن عثمان بن عبد الله بن موهب قال ارسلني اهلي الى ام سلمة بقدح من ماء وكان اذا اصاب الانسان عين او شيء بعث اليها مخضبة فاخرجت من شعر رسول الله صلى الله عليه وسلم وكانت تمسكه في جلجل من

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711. This means that ginn take part in copulation. If the name of Allah is not taken before copulation, the devil engages with the husband in copulation with his wife Every Muslim should therefore recite the following before copulation with his wife.—In the name of Allah, O Allah! protect us from the devil and drive away the devil from what Thou provideth us. Thus the name of Allah should be taken in every affair of a Muslim. Indeed it is his necklace round his neck in which there are strings of various kinds of praises of Allah.

them for him (with water) and he drank therefrom. I peeped into the cup and saw some red hairs.

—*Bukhari.*

نضة فخضخضته له فشرب منه فاطلعت في الجلجل فرأيت شعرات حمراء .
(البخاري)

48. **Abu Hurairah** reported that some of the companions of the Messenger of Allah asked the Messenger of Allah whether truffles are small-poxes of the earth. The Messenger of Allah said: Truffles are from Manna and their water is a cure for eye-diseases, and dry dates are from paradise and they are cure for poison. Abu Hurairah said: Then I took truffles three or five or seven and squeezed them and put their water in a bottle and applied it to my maid-servant who was short-sighted. Then she got cured.

Tirmizi (Approved).

عن ابي هريرة ان ناسا من اصحاب رسول الله صلى الله عليه وسلم قالوا لرسول الله صلعم الكمأة جدري الارض فقال رسول الله صلعم الكمأة من المن وماؤها شفاء للعين والعجوة من الجنة وهي شفاء من السم قال ابو هريرة فاخذت ثلثة اكمؤ او خمسا او سبعا فعصرتهن وجعلت ماءهن في قارورة وكحلت به جارية لي عمشاء فبرأت الترمذي (حسن)

49. **Abu Hurairah** reported that the Ms. of Allah said: Whoever drinks honey for three mornings in every month, great calamities will not afflict him.

—*Ibn Majah.*

عن ابو هريرة قال قال رسول الله صلعم من لعق العسل ثلث غدوات في كل شهر لم يصبه عظيم من البلاء . (ابن ماجة)

50. **Abdullah-b-Mas'ud** reported that the Ms. of Allah said: You should take to two cures-honey and the Quran.[712]

—*Ibn Majah, Baihaqi.*

عن عبد الله بن مسعود قال قال رسول الله صلعم عليكم بالشفائين العسل والقران .
(ابن ماجة والبيهقي)

51. **Nafe'** reported that Ibn Omar said: O Nafe!

عن نافع قال قال ابن عمر يا نافع ينبغ

712. The Quran says about honey — Therein there is cure for men (16:69 Q). Regarding the Quran, there is the verse: It is a guide and a cure for what is in chests (41:44 Q). It appears therefore that honey is a medicine for cures of bodily diseases and the Quran is a medicine for cures for diseases of the soul. Indeed the Quran wrought wonderful temporal and spiritual transformation of the Arabs.

there is pressure of blood in me, so call for me a cupper, and choose a youth, and don't choose an old man or a boy. Ibn Omar said: I heard the Messenger of Allah say: Cupping over sleeve is best, and that increases knowledge and increases memory and increases the retentive power of a hafiz. So whoever gets cupping, (take it) on Tuesday in the name of Allah, and avoid cupping on Friday and Saturday and Sunday, and take cupping on Monday and Tuesday and avoid cupping on Wednesday because that is a day on which Jacob was afflicted with disease, and plague or pox does not break out but on Wednesday or Wednesday night.—*Ibn Majah.*

بي الدم فأتني بحجام واجعله شابا ولا تجعله شيخا ولا صبيا قال ابن عمر سمعت رسول الله صلى الله عليه وسلم يقول الحجامة على الريق امثل وهي تزيد في العقل وتزيد في الحفظ وتزيد الحافظ حفظا فمن كان محتجما فيوم الخميس على اسم الله واجتنبوا الحجامة يوم الجمعة ويوم السبت ويوم الاحد واحتجموا يوم الاثنين ويوم الثلثاء واجتنبوا الحجامة يوم الاربعاء فانه اليوم الذي اصيب به ايوب في البلاء وما يبدو جذام ولا برص الا في يوم الاربعاء او ليلة الاربعاء

(ابن ماجة)

52. **Ayesha** reported that when a man complained of any illness to us, the apostle of Allah used to pass his right hand over him and then say: Take away the trouble, O Lord of men! and heal, O Thou Healer. There is no cure except Thy cure—a cure which does not leave any ailment. —*Agreed.*

عن عائشة قالت كان رسول الله صلعم اذا اشتكى منا انسان مسحه بيمينه ثم قال اذهب البأس رب الناس واشف انت الشافي لا شفاء الا شفاءك شفاء لا يغادر سقما -

(متفق عليه)

53. **Ayesha** reported that when a man complained of something to him, or any cut or wound afflicted him, the Prophet said with his finger: In the name of Allah, saturation of our earth with the spitting of some of us that it may cure our diseases with permission of our Lord. —*Agreed.*

عن عائشة قالت كان اذا اشتكى الانسان الشيء منه او كانت به قرحة او جرح قال النبي صلعم باصبعه بسم الله تربة ارضنا بريقة بعضنا ليشفي سقيمنا باذن ربنا (متفق عليه)

54. **Same** reported that when the Holy Prophet complained of any illness, he used to puff breath on himself with the Refuging verses (113, 114Q.) and passed his hand over him. When he complained of pain whereof he died, I used to puff breath on him with the refuging verses with which he used to puff breath, and to rub the hand of the Prophet. *Agreed upon it.* In a narration of Muslim, she said: Whenever any of his family member fell ill, he used to puff breath with the refuging verses.

عنها قالت كان النبي صلى الله عليه وسلم اذا اشتكى نفث على نفسه بالمعوذات ومسح عنه بيده فلما اشتكى وجعه الذي توفي فيه كنت انفث عليه بالمعوذات التي كان ينفث وامسح بيد النبي صلعم متفق عليه وفي رواية لمسلم قالت كان اذا مرض احد من اهل بيته نفث عليه بالمعوذات .

55. **Osman-b-Abil-As** reported that he complained to the Holy Prophet of pain which he felt in his body. The Ms. of Allah said to him: Place your hand over that which feels pain from your body and say thrice—In the name of Allah, and say seven times—I seek refuge to Grace of Allah and His power from the evils of what I find and fear. He said: I did it. Then Allah removed what was with me.

—*Muslim.*

عن عثمان بن ابي العاص انه شكى الى رسول الله صلى الله عليه وسلم وجعا يجده في جسده فقال له رسول الله صلعم ضع يدك على الذي يألم من جسدك وقل بسم الله ثلثا وقل سبع مرات اعوذ بعزة الله وقدرته من شر ما اجد واحاذر قال ففعلت فاذهب الله ما كان بي (مسلم)

56. **Abu Sayeed-al-Khodri** reported that Gabriel came to the Prophet and said: O Muhammad! you have complained of illness! 'Yes' said he. He said: In the name of Allah, I charm you from everything which may give you trouble from the evils of every soul or malicious eye. May Allah cure you; in the name of Allah, I enchant you.

—*Muslim.*

عن ابي سعيد الخدري ان جبرئيل اتى النبي صلى الله عليه وسلم فقال يا محمد اشتكيت فقال نعم قال بسم الله ارقيك من كل شيء يؤذيك من شر كل نفس او عين حاسد الله يشفيك بسم الله ارقيك -

(مسلم)

57. **Ibn Abbas** reported that the Holy Prophet used

عن ابن عباس قال كان رسول الله

to bind amulet to Hasan and Hossain (saying): I seek for you refuge with the perfect words of Allah from the evils of every devil and poisonous animal and from every accusing look. He used to say: Surely your father (Abraham) used to see refuge therewith for Ismail and Isaac. —*Bukhari.*

صلى الله عليه وسلم يعوذ الحسن والحسين أعيذكما بكلمات الله التامة من شر كل شيطان وهامة ومن كل عين لامة ويقول إن أباكما كان يعوذ بها إسمعيل وإسحق -

(البخاري)

58. **Same** reported that the Holy Prophet was teaching them in case of fever and pain of every kind to say: In the name of the Great Allah, I seek refuge to the Almighty Allah from the evils of every vein that gushes forth blood and from the evils of the heat of fire. —*Tirmizi* (*Rare*).

عنه أن النبي صلى الله عليه وسلم كان يعلمهم من الحمى ومن الأوجاع كلها أن يقولوا بسم الله الكبير أعوذ بالله العظيم من شر كل عرق نعار ومن شر حر النار -

الترمذي (غريب)

59. **Abu Darda'a** reported: I heard the Ms. of Allah say: Whoever of you complains of anything, or his brother complains to him, let him say: O our Lord Allah who is in heaven! holy is Thy name; Thy affair is in heaven and earth! As Thou showeth mercy in heaven, show Thy mercy in the earth. Forgive us of our sins and our faults. Thou art the Lord of the pious. Send down mercy from Thy mercy, and healing from Thy healing upon this pain that it may be cured. —*Abu Daud.*

عن أبي الدرداء قال سمعت رسول الله صلى الله عليه وسلم يقول من اشتكى منكم شيئا أو اشتكاه أخ له فليقل ربنا الله الذي في السماء تقدس اسمك أمرك في السماء والأرض كما رحمتك في السماء فاجعل رحمتك في الأرض اغفر لنا حوبنا وخطايانا أنت رب الطيبين أنزل رحمة من رحمتك وشفاء من شفائك على هذا الوجع فيبرأ -

(أبو داود)

60. **Abdullah-b-Amr** reported that the Ms. of Allah said:

عن عبد الله بن عمرو قال قال رسول

When a man comes to visit a sick man, let him say : O Allah ! cure Thy servant and give it to Thy enemy or let it walk for Thee for funeral prayer.

—*Abu Daud.*

اللهِ صلعم اِذَا جَاءَ الرجلُ يعودُ مريضًا فليقل
اللهم اشفِ عبدَكَ ينكأُ لكَ عدوًا او يمشي
لكَ الى جنازةٍ - (ابو داود)

61. **Saoban** reported that the Ms. of Allah said : When any of you is attacked with fever (and fever is a flake of hell-fire), extinguish it from him with water ; let him bathe in a flowing river, and let him stand in front of its current and say, "In the name of Allah, O Allah, cure Thy servant and prove Thy Messenger true,"[713] after the morning prayer before the rising of the sun, and let him take three dives for three days. If he does not recover with three dives, then five, and if he does not recover with five, then seven, if he does not recover with seven, then nine, because it cannot exceed nine with the permission of Allah—Glorious and Exalted.

—*Tirmizi.*

عن ثوبانَ ان رسولَ اللهِ صلى اللهُ عليهِ
وسلم قال اذا اصابَ احدكم الحمّى فانّ
الحمّى قطعةٌ من النارِ فليطفئها عنه بالماءِ
فليستنقع في نهرٍ جارٍ وليستقبل جريته فيقول
بسم الله اللهم اشفِ عبدكَ وصدِّق رسولكَ
بعد صلوة الصبح قبل طلوع الشمس ولينغمس
فيه ثلث غمسات ثلثة ايام فان لم يبرأ في
ثلث فخمس فان لم يبرأ في خمس
فسبع فان لم يبرأ في سبع فتسع فانها لا تكاد
تجاوز تسعًا باذن الله عز وجل -
(الترمذي)

261w. **Ibn Abbas** reported that the Holy Prophet used to like cupping very much on the 17th, 19th, and 21st. day.

—*Sharhi-Sunnat*

عن ابن عباسٍ ان النبيَّ صلى الله عليه
وسلم كان يستحب الحجامة لسبع عشرة و
تسع عشرة واحدى وعشرين - (شرح السنة)

262w. **Juhri** reported (a defective tradition) that the Ms. of Allah said : Whoever gets cupping or besmears on

عن زهري مرسلا قال قال رسول الله صلى
الله عليه وسلم من احتجم او اطلى يوم السبت

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713. This is an exceptional mode of treatment in some cases of special fever such as typhoid. But general wash of head, hands and feet in cases of ordinary fever is useful as we see daily around us.

Saturday or Wednesday he must not blame except himself about leprosy.—*Sharhi-Sunnat.*

أَوِ الْأَرْبِعَاءِ فَلَا يَلُومَنَّ إِلَّا نَفْسَهُ فِي الْوَضَحِ ـ (شرح السنة)

263w. **Abu Hurairah** reported that the Ms. of Allah said: The stomach is the fountain of body and the veins are connected with it. So when the stomach is sound, the veins come out with health; and when the stomach is unsound, the veins come out with illness.—*Baihaqi.*

عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم المعدة حوض البدن والعروق إليها واردة فإذا صحت المعدة صدرت العروق بالصحة وإذا فسدت المعدة صدرت العروق بالسقم ـ (البيهقي)

264w. **Ali** reported that when he (Prophet) was praying at a night, he placed his hand on earth and a snake bit it. The Messenger of Allah stroke it with his shoe and killed it. When he turned away he said: May Allah curse the snakes! They do not leave a man praying and not praying, or a prophet or no prophet. Afterwards he called for salt and water and mixed them in a pot. Afterwards he began to pour it over his fingers where it had bitten him, rub it and seek refuge with the two refuging verses.

—*Baihaqi.*

عن علي قال بينا رسول الله صلى الله عليه وسلم ذات ليلة يصلي فوضع يده على الأرض فلدغته عقرب فناولها رسول الله صلعم بنعله فقتلها فلما انصرف قال لعن الله العقرب ما تدع مصليا ولا غيره أو نبيا وغيره ثم دعا بملح وماء فجعله في إناء ثم جعل يصبه على إصبعه حيث لدغته ويمسحها ويعوذها بالمعوذتين (البيهقي)

265w. **Abu Kabshatul-Anmari** reported that the Ms. of Allah took cupping over the vertex of his head on account of the poisoned mutton. Ma'mar said: I got cupping like that without having poison in my vertex of head. Then the excellence of retentive power went from me, till I was taught the opening of the Book in prayer.

—*Razin.*

عن أبي كبشة الأنماري أن رسول الله صلى الله عليه وسلم احتجم على هامته من الشاة المسمومة قال معمر فاحتجمت أنا من غير سم كذلك في يافوخي فذهب حسن الحفظ عني حتى كنت ألقن فاتحة الكتاب في الصلوة ـ (رزين)

266w. **Ma'qal-b-Yasar** reported that the Messenger of Allah said : Cupping on Tuesday on the 17th of the month is a medicine for diseases of the year. *Harb-b-Ismail, Razin.*

عَنْ مَعْقَلَ بْنِ يَسَارٍ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ الْحِجَامَةُ يَوْمَ الثُّلَثَاءِ لِسَبْعِ عَشَرَةَ مِنَ الشَّهْرِ دَوَاءٌ لِدَاءِ السَّنَةِ (حَرْبُ ابْنُ اِسْمٰعِيلَ وَرَزِيْن)

SECTION 2.

714. Omens and Superstitious beliefs.

Bad omens and superstitious beliefs are unlawful and were greatly condemned by the Holy Prophet. The pre-Islamic Arabs were a greatly superstitious people, but the Holy Prophet abolished all these beliefs and ideas, and established pure monotheism in the peninsula of Arabia. A people engrossed in grossest idolatry and superstitions were turned suddenly into a band of angels as if by the touch of a magic wand. It is unlawful to take bad omens from the sound of animals and from knockings of doors (9 : 68) and to believe in the existence of ghosts (9 : 66). Belief in bad omen amounts to polytheism (9 : 69). Had there been any bad omen, it would have been in houses, horses and women which are the objects of taste for men. The following are some of the superstitions of the pre-Islamic Arabs that were abolished by the Prophet.

(a) Hamah and Safar explained in note 716.

(b) Belief in noa as cause of rain explained in note 717.

(c) When a pre-Islamic Arab cherished an intention to get an object and was unable to get it, he would not enter into his house by the front door, but enter it by the back door and continue in doing so for a year. There is a reference to this in the Quran : "but righteousness is this that one should guard against evil and go into the houses by their doors." (2 : 189 Q).

(d) When a pre-Islamic Arab desired to make a journey or to take a wife, or to engage in a warfare, or to undertake other important tasks, he used to draw out arrows, on one of which was written "My Lord has commanded me'; on another 'My Lord has forbidden me' while a third arrow was blank. The Quran speaks of such suprestitions : And what was sacrificed on stones set up (for idols) and that you divide by the arrows, that is a transgression (5 : 3 Q).

(e) The pre-Islamic Arabs used to set free certain animals in honour of their idols believing that they would get prosperity by such liberation. The Quran speaks of such practice: Allah has not ordained (the making of) a Bahirah or a Saibah or a Hami (5 : 103 Q). Bahirah is a she-camel having her ear slit. Saibah signifies any beast which having brought forth females at 10 successive births was set at liberty to pasture where she liked and was not used for riding, nor was her milk taken. Wasilah means a she-goat which brought forth twins. Hami is a stallion-camel that was considered unlawful for riding or being used as a beast of burden.

(f) The Arabs had faith in the existence of evil spirits whom they would conjure up in solitary places. To these spirits, they attributed certain kinds of diseases. They said that the Queen Sheba's mother was a ginn and the father of Alexander was a ginn. Those who believed in a life after death would tie a camel at a tomb and starve it to death thinking that the deceased would mount on its back on the Day of Resurrection.

(g) They believed in sooth-sayers and fortune-tellers and had implicit faith in their utterances.

(h) It was a superstitious belief of the Arabs that whenever they would be going out intending a work, they used to take omen by sending birds to fly. If it flew by the right side it was a good omen, if by the left side it was a bad omen.

(i) The Arabs used to attribute particular supernatural powers to their respective idols which were stationed within the Holy Ka'ba. They thought that the Almighty God entrusted the discharge of the various functions of the universe to different gods and goddesses and idols. Therefore they invoked blessings of idols, specially of those that were stationed in the Holy Ka'ba. There were 360 idols within this ancient shrine belonging to different tribes. The Prophet broke these idols to pieces and abolished idolatry attendant with superstitious beliefs from the soil of Arabia within the short period of 22 years and planted in its place the doctrine of pure monotheism. Is it not the mightiest miracle the world ever witnessed up to this day ? *

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62. **Abu Hurairah** reported: I heard the Ms. of Allah say: There is no bad omen and the best of it is good omen. They

عَنْ اَبِىْ هُرَيْرَةَ قَالَ سَمِعْتُ رَسُوْلَ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ يَقُوْلُ لَا طِيَرَةَ وَخَيْرُهَا

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* . References. 4 : 164; 6 : 83; 9 : 13, 14, 15, 18, 42, 43, 45, 46, 57;

enquired : What is good omen? He replied: The good talk which one of you hears.[715] —*Agreed.*

الفأل قالوا وما الفأل قال الكلمة الصالحة يسمعها احدكم ـ (متفق عليه)

63. **Same** reported that the Messenger of Allah said : There is no contagious disease, no bad omen, no 'hamah' and no 'safar'. And flee away from leprosy as you flee away from tiger.[716] —*Bukhari.*

عنه قال قال رسول الله صلى الله عليه وسلم لا عدوى ولا طيرة ولا هامة ولا صفر و فر من المجذوم كما تفر من الاسد (البخاري)

64. **Same** reported that the Messenger of Allah said : There is no contagious disease, no hamah and no safar. A desert Arab asked : O Messenger of Allah what is the matter with the camel which remains in sand as if it is a deer (in soundness). Then a camel afflicted with scab mixes with it and affects it also with scab. Then the Prophet said : Who did then contaminate the first? —*Bukhari*

عنه قال قال رسول الله صلى الله عليه وسلم لا عدوى ولا هامة ولا صفر فقال اعرابي يا رسول الله فما بال الابل تكون في الرمل كانها الظباء فيخالطها البعير الاجرب فيجربها فقال رسول الله صلى الله عليه وسلم فمن اعدى الاول (البخاري)

65. **Same** reported: There is no contagious disease, no

عنه قال قال رسول الله صلى الله

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715. Superstitious belief or omen is disallowed in Islam. If it would have been lawful a good omen would have been lawful, because it cheers up the mind and helps towards the onward progress of actions.

716. No disease is caught by touch, but there are epidemics prevailing widely in a locality. None should go out of the locality in which such diseases are prevalent and none from outside should come within it, (3 : 44). Hamah is the name of an animal or bird. The Pre-Islamic Arabs believed that the soul of a man who was killed by another takes the form of a bird and cries over the grave of the dead man saying "Give me drink, give me drink (of blood). It remained crying for days and nights till the blood of the dead man was avenged by men of his family and tribe. The Prophet abolished this superstitious belief, 'Safar' is also a superstitious belief which the Prophet abolished like the former one. The Pre-Islamic Arabs believed that after the month of Muharrum calamities and disasters befell on men. Some say that they believed that there are worms in belly which bite men and produce jaundice.

hamah, no noa and no safar.[717] —*Muslim.*

عليه وسلم لا عدوى ولا هامة ولا نوء ولا صفر (مسلم)

66. **Jaber** reported : I heard the Messenger of Allah say : There is no contagious disease, no safar and no ghost.[718] —*Muslim*

عن جابر قال سمعت النبي صلى الله عليه وسلم يقول لا عدوى ولا صفر ولا غول (مسلم)

67. **Amr-b-Sharid** reported from his father who said : There was a man having leprosy in the deputation of 'Saqif' tribe. The Prophet sent (a man) to him (saying). Certainly we have taken oath of fealty to you, so return. —*Muslim.*

عن عمرو بن الشريد عن ابيه قال كان في وفد ثقيف رجل مجذوم فارسل اليه النبي صلى الله عليه وسلم انا قد بايعناك فارجع . (مسلم)

68. **Qatni-b-Qabisah** reported from his father that the Prophet said : (To take bad omen from) sounds of animals, and knocking of doors at night, and omens are acts of the devils.[719] —*Abu Daud.*

عن قطن بن قبيصة عن ابيه ان النبي صلى الله عليه وسلم قال العيافة والطرق والطيرة من الجبت . (ابو داود)

69. **Addullah-b-Mas'ud** reported from the Holy Prophet : Taking bad omen is polytheism. (He repeated it thrice). And there is nothing for us, but Allah removes it by virtue of resignation. *Tirmizi, Abu Daud.*

عن عبد الله ابن مسعود عن رسول الله صلى الله عليه وسلم قال الطيرة شرك قاله ثلثا وما منا الا ولكن الله يذهبه بالتوكل (ابو داود والترمذي)

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717. Noa means setting down of one star and rising of another star. The Pre-Islamic Arabs believed that owing to this change of stars, rain falls down The Holy Prophet abolished this belief and said that rain is not dependent on change of stars or moon but it is owing to the decree of Lord Therefor the Almighty Allah is to be praised for rain and not stars

718. Ghost is a kind of ginn and devils. The pre-Islamic Arabs believed that these kinds of ginn and devils called ghosts take sometimes form of men and women and lead men astray to wrong path and thus destroy them. The Holy Prophet abolished this superstitious belief of ghosts though, he told, there is existence of ginn.

719. The Holy Prophet abolished the superstitious beliefs in sounds of animals like lizards, crows, brays of ass etc. Evil omen used to be taken also from knockings of doors at night. These beliefs still prevail mostly in India.

70. **Jaber** reported that the Messenger of Allah caught hold of the hand of a man having leprosy and placed it (hand) in a plate (to take food) with him and said : Take food with firm belief in Allah and resignation to Him. *Ibn Majah.*

عن جابر ان رسول الله صلى الله عليه وسلم اخذ بيد مجذوم فوضعها معه في القصعة وقال كل ثقة بالله وتوكلا عليه - ابن ماجة

71. **Sa'ad-b-Malek** reported from the Messenger of Allah who said : There is no hama, no bad omen, and no contagious disease. If there is any bad omen in anything, then it is in house, horse and woman.[720] *Abu Daud*

عن سعد بن مالك عن رسول الله صلعم قال لا هامة ولا عدوى ولا طيرة وان تكن الطيرة في شيء ففي الدار والفرس والمرأة (ابو داؤد)

72. **Anas** reported that it used to make the Prophet wonder to hear whenever he went out on a necessity : O Guide ! O Successful ! *Tirmizi.*

عن انس ان النبي صلى الله عليه وسلم كان يعجبه اذا خرج لحاجته ان يسمع يا راشد يا نجيح - الترمذي

73. **Buraidah** reported that the Prophet did not take bad omen from anything. When he sent a governor, he asked his name. When his name pleased him, he became glad with him and its good news was noticed in his face. When his name was not agreeable, that disliking of his was manifested in his face. When he entered any village, he asked its name. If its name pleased him, he became glad with that and its good news was seen in his face, and if its name was disliking to him, that disliking of his was seen in his face.[721] *Abu Daud.*

عن بريدة ان النبي صلى الله عليه وسلم كان لا يتطير من شيء فاذا بعث عاملا سأل عن اسمه فاذا اعجبه اسمه فرح به ورأى بشر ذلك في وجهه وان كره اسمه رأى كراهية ذلك في وجهه واذا دخل قرية سأل عن اسمها فان اعجبه اسمها فرح بذلك ورأى بشر ذلك في وجهه وان كره اسمها رأى كراهية ذلك في وجهه - (ابو داؤد)

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720. Prophet said : Bad luck is in 3 things—horse, woman and house. The meaning is that there is no omen in anything. Had it been existent, these objects which people love dearly would have been subjects of bad omen.

721. It appears from this that people should give better names to

74. **Anas** reported that a man asked : O Ms. of Allah, we were in a house where we were many in number and our wealth increased. Afterwards we shifted to a house wherein our member became less (by death) and our wealth diminished. The Prophet replied : Leave it as not agreeable.[722] *Abu Daud.*

عن انس قال قال رجل يا رسول الله انا كنا في دار كثر فيها عددنا واموالنا فتحولنا الى دار قل فيها عددنا واموالنا فقال ذروها ذميمة (ابوداود)

75. **Yahya-b-Abdullah** reported : He who heard from Farwah-b-Musaik informed me that he was saying : I asked : O Messenger of Allah, there is a land close to us called Abyan, and that is the land of our getting good crops and heritage, but its plague is serious. He said : Leave it from yourself, because to go near (it) is to court destruction.

Abu Daud.

عن يحيى بن عبد الله قال اخبرني من سمع فروة بن مسيك يقول قلت يا رسول الله عندنا ارض يقال لها ابين وهي ارض ريفنا وميرتنا وان وباءها شديد فقال دعها عنك فان من القرف التلف (ابوداود)

76. **Urwah-b-A'mer** reported that a bad omen was narrated to the Ms. of Allah. He said : The best of this is good omen but it does not upset a Muslim. When any of you sees what he dislikes, let him say : O Allah, nothing but Thou bringeth good and nothing but Thou removeth evil. And there is no power and no strength except through Allah.

Abu Daud (*Defective*).

عن عروة بن عامر قال ذكرت الطيرة عند رسول الله صلى الله عليه وسلم فقال احسنها الفأل ولا ترد مسلما فاذا رأى احدكم ما يكره فليقل اللهم لا ياتي بالحسنات الا انت ولا يدفع السيئات الا انت ولا حول ولا قوة الا بالله (ابوداود مرسلا)

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their sons and daughters. If bad names are given, they excite dislike in men.

722 This is not on account of superstitious belief, but owing to sanitary and hygienic point of view. This may be due also to this fact that by change of residence the man would be free from his polytheistic belief.

76 (a). **Jaber** reported that the Messenger of Allah was asked about charms. He said: It is from the actions of the devil. *Abu Daud.*

عَنْ جَابِرٍ قَالَ سُئِلَ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنِ النُّشْرَةِ فَقَالَ هُوَ مِنْ عَمَلِ الشَّيْطَانِ (أبو داؤد)

267w. **Ibn Abbas** reported that the Messenger of Allah used to take good omen and not bad omen, and he used to like good name. *Sharhi-Sunnat.*

عَنْ اِبْنِ عَبَّاسٍ قَالَ كَانَ رَسُوْلُ اللهِ صلعم يَتَفَاءَلُ وَلَا يَتَطَيَّرُ وَكَانَ يُحِبُّ الِاسْمَ الْحَسَنَ (شرح السنة)

SECTION 3.

723. Fore-telling

Foretelling is to tell news of the future. The foretellers claim to possess knowledge of the future, while in fact none knows its knowledge except the Most High. Foretelling is haram (unlawful), and he who goes to a sooth-sayer is also cursed. Both the seeker and the sought are transgressors. The Holy Prophet said that the devils catch words from the discussions of the angels and then inform them to men after mixing thousand lies therewith. In this way, some sayings come out to be true, and in most cases false. Secondly the sooth-sayers used to utter such words as conveyed double meanings. The Quran says: Except him who snatches off but once, then there follows him a brightly shining flame (37 : 10 Q). It is not the word of a poet, nor the word of a sooth-sayer. It is a revelation from the Lord of the worlds (69 : 42 Q.); or have they (knowledge of) the unseen, so that they write down (68 : 47 Q)? He who comes to a fortune-teller and asks any question to him of the future, his prayers for 40 days will not be accepted—9 : 80. Some branch of learning in astrology is sorcery which is unlawful—9 : 268w. In pre-Islamic Arabia, Banu Mariyah-b-Kalb and Banu Murrah-b-Hammam were noted for this branch of learning. The Pre-Isamic Arabs used to consult the sooth sayers in their important businesses, and their position was high in their estimation. For this reason, the Holy Prophet was termed by them a sooth-sayer or a poet. Urwah-b-Huzaim, Toraifah, Zabrah, Fatemah Kharhamiyah and others were noted sooth-sayers.

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77. **Mu'wayiah** reported: I asked: O Messenger of Allah!

عَنْ مُعَاوِيَةَ قَالَ قُلْتُ يَا رَسُوْلَ اللهِ أُمُوْرًا

there are affairs which we used to do in the Days of Ignorance. We used to come to the fore-tellers. He said : Don't come to the fore-tellers. I said : We used to take bad omen. He said : That is a thing which any of you finds within yourself ; so let it not prevent you. I asked : And there are men from us who write letters. He said : There was a prophet (Daniel) from among the Prophets who used to write letters. So whoever agreed with his letter, that was (lawful.) *Muslim.*

كنا نصنعها في الجاهلية كنا نأتي الكهان
قال فلا تأتو الكهان قلت كنا نتطير
قال ذلك شيء يجده احدكم في نفسه
فلا يصدكم قلت ومنا رجال يخطون
قال كان نبي من الانبياء يخط فمن وافق
خطه فذاك — (مسلم)

78. **Ayesha** reported that some men asked the Messenger of Allah about fore-tellers. The Prophet told them that they are in nothing. They asked : O Messenger of Allah, they sometimes talk about a thing which comes out to be true. The Messenger of Allah said : These words are true words which the genii forthwith catch and they throw them into the ears of his friend like the throwing of the cock and then mix therewith more than hundred lies. *Agreed.*

عن عائشة قالت سأل اناس رسول الله
صلى الله عليه وسلم عن الكهان فقال لهم
رسول الله صلعم انهم ليسوا بشيء قالوا يا رسول
الله فانهم يحدثون احيانا بالشيء يكون حقا فقال
رسول الله صلعم تلك الكلمة من الحق يخطفها
الجني فيقرها في اذن وليه قر الدجاجة
فيخلطون فيها اكثر من مائة كذبة (متفق عليه)

79. **Same** reported : I heard the Messenger of Allah say : Verily the angels come down in anan (and that is rain-cloud) and talk of affairs which were decreed in heaven. The devils then steal hearing and hear it and then communicate it to the fore-tellers. They tell hundred lies therewith from themselves. *Bukhari.*

عنها قالت سمعت رسول الله صلى الله
عليه وسلم يقول ان الملئكة تنزل في
العنان وهو السحاب فتذكر الامر قضي في
السماء فتسترق الشياطين السمع فتسمعه فتوحيه
الى الكهان فيكذبون معها مائة كذبة من عند
انفسهم (البخاري)

80. **Hafsah** reported that the Ms. of Allah said : Whoever

عن حفصة قالت قال رسول الله صلى

comes to fortune-tellers, and ask him about something, his prayer is not accepted for forty nights. —*Muslim.*

الله عليه وسلم من أتى عرافا فسأله عن شيء
لم تقبل له صلوة اربعين ليلة (مسلم)

81. **Zaid-b-Khalid Johani** reported that the Prophet prayed with us the morning prayer at Hudaibiyyah upon the shade of cloud which prevailed at night. When it went away, he came to men and said: Do you know what your Lord said? They said: Allah and His Messenger know best. He said that He: A believer and an unbeliever in Myself among My servants get up at dawn. As for one who says—We have got rain on account of grace of Allah and His mercy—that is a believer in Me and disbeliever in stars. And as for one who says: We have got rain owing to change of such and such orbit, that is an unbeliever in Me and a believer in stars. —*Agreed.*

عن زيد بن خالد الجهني قال صلى لنا
رسول الله صلى الله عليه وسلم صلوة
الصبح بالحديبية على إثر سماء كانت من
الليل فلما انصرف اقبل على الناس فقال هل
تدرون ماذا قال ربكم قالوا الله ورسوله
اعلم قال قال اصبح من عبادي مؤمن بي
وكافر فاما من قال مطرنا بفضل الله
ورحمته فذلك مؤمن بي وكافر بالكوكب
واما من قال مطرنا بنوء كذا وكذا فذلك
كافر بي ومؤمن بالكوكب
(متفق عليه)

82. **Abu Hurairah** reported from the Messenger of Allah who said: Allah does not send down blessing from heaven except that a party of men turn disbelievers about it. Allah sends down rain, but they say: (It is) owing to such and such star. —*Muslim.*

عن ابي هريرة عن رسول الله صلى
الله عليه وسلم قال ما انزل الله من السماء
من بركة الا اصبح فريق من الناس بها
كافرين ينزل الله الغيث فيقولون بكوكب
كذا وكذا - (مسلم)

83. **Ibn Abbas** reported that the Messenger of Allah said: Whoever learns astrology

عن ابن عباس قال قال رسول الله صلى
الله عليه وسلم من اقتبس علما من النجوم

learns a branch of sorcery, he adds what he adds.

—*Ahmad, Abu Daud, Ibn Majah.*

اقتبس شعبة من السحر زاد ما زاد -
(احمد و ابو داؤد و ابن ماجة) -

84. **Abu Hurairah** reported that the Messenger of Allah said : Whoever comes to a fore-teller and believes him in what he says or comes to a menstruating woman (for intercourse) or comes to a woman from her back he has indeed become displeased with what was revealed upon Muhammad. *Abu Daud, Ahmad.*

عن ابي هريرة قال قال رسول الله صلى الله
عليه وسلم من اتى كاهنا فصدقه بما يقول
او اتى امراته حائضا او اتى امراته في
دبرها فقد برئ مما انزل على محمد -
(احمد و ابو داؤد)

85. **Abu Hurairah** reported that the Prophet said : When Allah decrees an affair in heaven, the angels strike their wings by way of submission to His order as if it is a chain upon a white stone. When dread goes out of their hearts, they say what your Lord did say. They say to him about what Allah has said. He is the Most High, the Almighty. Those who steal hearing hear them, and the stealers of hearing—some of them remain thus above others. (Sufyan describes (their fear) with his hand. He turned them and made openings between his fingers). Then he hears the words and throws them to one below him. Then another throws them to him who is below him till he throws them upon the tongue of a sorcerer or a sooth-sayer. And many a time, light catches hold (of the word) before he throws them, and many a time

عن ابي هريرة ان النبي صلى الله
عليه وسلم قال اذا قضى الله الامر في السماء
ضربت الملئكة باجنحتها خضعانا لقوله كانه
سلسلة على صفوان فاذا فزع عن قلوبهم قالوا
ماذا قال ربكم قالوا للذي قال الحق وهو
العلي الكبير فسمعها مسترقوا السمع ومسترقوا
السمع هكذا بعضه فوق بعض و وصف سفيان
بكفه فحرفها و بدد بين اصابعه فيسمع الكلمة
فيلقيها الى من تحته ثم يلقيها الاخر الى
من تحته حتى يلقيها على لسان الساحر او
الكاهن فربما ادرك الشهاب قبل ان يلقيها
وربما القاها قبل ان يدركه فيكذب معها

he throws them before it catches him. Then he sets up hundred lies with them, and it is questioned : Has he not said so to us on such and such a day ? Then that word which was heard from heaven is corroborated.

—*Bukhari.*

مائة كذبة فيقال أليس قد قال لنا يوم كذا وكذا فيصدق بتلك الكلمة التي سمعت من السماء - (البخاري)

86. **Ibn Abbas** reported : A man of the Ansar-companions of the Prophet informed me that while they were sitting one night with the Prophet, a star was shot and it became brightened. Then the Messenger of Allah asked them : What did you say in Days of Ignorance when shot is thrown like this ? They replied : Allah and His Apostle know best. We used to say : In this night, a great man is born and a great man has died. The Prophet said : Surely it is not shot for death of anybody, nor for his birth, but when our Lord whose name is Blessed, decrees an affair, the bearers of the Throne read 'tasbih', and then the dwellers of heaven who are next to them read 'tasbih' (glorification of Allah) till the 'tasbih' reaches the dwellers of the nearest heaven. Then those who are next to the bearers of the Throne ask the bearers of the Throne : What did your Lord say ? They then inform them what He said. Some of the dwellers of heavens seek information from others till it reaches the nearest heaven. Then ginn catch hold of the hearing and throw it to their friends and shot is thrown (at them). What they bring exactly as it is is truth, but they invent lies therein and add.

—*Muslim.*

عن ابن عباس قال أخبرني رجل من أصحاب النبي صلعم من الأنصار أنهم بينا هم جلوس ليلة مع رسول الله صلعم رمي بنجم واستنار فقال لهم رسول الله صلعم ما كنتم تقولون في الجاهلية إذا رمي بمثل هذا قالوا الله ورسوله أعلم كنا نقول ولد الليلة رجل عظيم ومات رجل عظيم فقال رسول الله صلعم فإنها لا يرمى بها لموت أحد ولا لحياته ولكن ربنا تبارك اسمه إذا قضى أمرا سبح حملة العرش ثم سبح أهل السماء الذين يلونهم حتى يبلغ التسبيح أهل هذه السماء الدنيا ثم قال الذين يلون حملة العرش لحملة العرش ماذا قال ربكم فيخبرونهم ما قال فيستخبر بعض أهل السموت بعضا حتى يبلغ هذه السماء الدنيا فيخطف الجن السمع فيقذفون إلى أوليائهم ويرمون فما جاؤا به على وجهه فهو حق ولكنهم يقرفون فيه ويزيدون (مسلم)

87. **Qatadah** reported that the Almighty Allah created these stars for three (things). He made them as adornment of the sky and as shots for the devils and as signs to be guided therewith. Whoever attributes things other than these, is indeed wrong and destroys his fortune and takes trouble for what he does not know. —*Bukhari*

عن قتادة قال خلق الله تعالى هذه النجوم لثلث جعلها زينة للسماء ورجوما للشياطين وعلامات يهتدى بها فمن تأول فيها بغير ذلك اخطأ واضاع نصيبه وتكلف ما لا يعلم - (البخاري)

88. **Abu Sayeed** reported that the Messenger of Allah said: Had Allah withheld rain from His servants for five years, and then He sent it, a section of men would have become unbelievers by saying—we have been drenched by a station of moon. —*Nisai*

عن ابي سعيد قال قال رسول الله صلى الله عليه وسلم لو امسك الله القطر عن عباده خمس سنين ثم ارسله لاصبحت طائفة من الناس كافرين يقولون سقينا بنوء المجدح (النسائي)

268w. **Ibn Abbas** reported that the Messenger of Allah said: Whoever acquires a branch of the science of astrology for a purpose other than that for which Allah mentioned, has indeed acquired a branch of sorcery. An astrologer is a sooth-sayer and a sooth-sayer is a sorcerer and a sorcerer is an unbeliever. —*Razin.*

عن ابن عباس قال قال رسول الله صلى الله عليه وسلم من اقتبس بابا من علم النجوم لغير ما ذكر الله فقد اقتبس شعبة من السحر المنجم كاهن والكاهن ساحر والساحر كافر (رزين)

SECTION 4

724—Dream

Dream is quite a mystery to us. It proves that even when a man is dead, he may be punished or given enjoyment according as he acted during his life-time. It is generally seen that when a particular

thing captures the mind of a man at a particular time, it is seen in dream in various aspects. Similarly what a man does in his life's span, will appear in his death in the form of joys or punishments. It reminds us also that Resurrection of men is a truth. Just as a man rises from joy or punishment at the time of dream in sleep, he will similarly rise for the Judgment day after punishment or joy in the grave in whatever form it is given. Man feels relief from troubles or horrors of dream as soon as he gets up from sleep. Imagine his horror if he does not rise up from sleep as long as the world remains. Similar will be the punishment just after death until the Resurrection.

Prophecy, along with the prophets, was abolished. At present, there is only correct dream to know the truth of the past, present and future. Correct dreams cannot but emanate from the truthful and pious men. Therefore in majority of cases, pious men's words come out to be true. The devil cannot present itself to pious men. He fears them as he fears the throwing of a gun or arrow from heaven. When a man sees the Holy Prophet in dream, it is correct because the devil cannot take his form. If dream is favourable, it should be disclosed to nobody except to dear ones, and if unfavourable it shall never be disclosed to anybody. If unfavourable things are dreamt. everybody shall turn to another side thrice and seek refuge to Allah. Correct dream is seen mostly in the latter part of the night. There are 3 kinds of dreams—dictation of soul, dictation from Allah and the angels, and dictation from the devil.

عَنْ اَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ لَمْ يَبْقَ مِنَ النُّبُوَّةِ اِلَّا الْمُبَشِّرَاتُ قَالُوا وَمَا الْمُبَشِّرَاتُ قَالَ الرُّؤْيَا الصَّالِحَةُ (البخاري)

89. **Abu Hurairah** reported that the Messenger of Allah said: There is nothing remaining of prophet-hood except good news. They enquired: And what are good news? He said: Good dream.[725] *Bukhari.*

عَنْ اَنَسٍ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ الرُّؤْيَا الصَّالِحَةُ جُزْءٌ مِنْ سِتَّةٍ

90. **Anas** reported that the Messenger of Allah said: The good dream[726] is one por

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725. Malek added with a narration of Ata-b-yasar يَرَاهَا الرَّجُلُ الْمُسْلِمُ اَوْ تُرَى لَهُ (which a Muslim sees and which is shown to him).

726. Good dream cannot but come from good source. i.e. from the angels, and bad dream comes from the whisperings of devils in the minds of the people. These good dreams generally are correct.

tion out of 46 portions of prophet-hood.[727] —*Agreed.*

وَ اَرْبَعِيْنَ جُزْءً مِنَ النُّبُوَّةِ (متفق عليه)

91. **Abu Hurairah** reported that the Prophet said: Whoever has seen me in dream, he has indeed seen me because the devil cannot take my figure.[728] *Agreed.*

عَنْ اَبِىْ هُرَيْرَةَ اَنَّ النَّبِىَّ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ قَالَ مَنْ رَاٰنِىْ فِى الْمَنَامِ فَقَدْ رَاٰنِىْ فَاِنَّ الشَّيْطَانَ لَا يَتَمَثَّلُ فِىْ صُوْرَتِىْ (متفق عليه)

92. **Abu Qatadah** reported that the Messenger of Allah said: Whoever has seen me, he has indeed seen the truth.

Agreed.

عَنْ اَبِىْ قَتَادَةَ قَالَ قَالَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ مَنْ رَاٰنِىْ فَقَدْ رَاَى الْحَقَّ (متفق عليه)

93. **Abu Hurairah** reported that the Messenger of Allah said: Whoever saw me in dream, he will soon see me awake and the devil cannot imitate my form.[729] *Agreed.*

عَنْ اَبِىْ هُرَيْرَةَ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم مَنْ رَاٰنِىْ فِى الْمَنَامِ فَسَيَرَانِىْ فِى الْيَقْظَةِ وَلَا يَتَمَثَّلُ الشَّيْطَانُ بِىْ (متفق عليه)

94. **Abu Qatadah** reported that the Messenger of Allah said: Good dream is from Allah, and false dream from the devil. So whenever any of you sees what he likes, he should not disclose it except to him whom he loves, and when he sees what he dislikes, let him seek refuge to Allah from its evil and from the evil of the devil, and let him turn aside thrice. Let him not disclose it to anybody, as it will never injure him.[730]

Agreed.

عَنْ اَبِىْ قَتَادَةَ قَالَ قَالَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ الرُّؤْيَا الصَّالِحَةُ مِنَ اللّٰهِ وَالْحُلْمُ مِنَ الشَّيْطَانِ فَاِذَا رَاٰى اَحَدُكُمْ مَا يُحِبُّ فَلَا يُحَدِّثْ بِهٖ اِلَّا مَنْ يُحِبُّ وَاِذَا رَاٰى مَا يَكْرَهُ فَلْيَتَعَوَّذْ بِاللّٰهِ مِنْ شَرِّهَا وَمِنْ شَرِّ الشَّيْطَانِ وَلْيَتْفِلْ ثَلَاثًا وَلَا يُحَدِّثْ بِهَا اَحَدًا فَاِنَّهَا لَنْ تَضُرَّهُ (متفق عليه)

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727. This number of 46 is not by actual count but by way of attaching importance to good dream. These numbers will differ in different traditions.

728. The dream at that time is surely correct and not the ravings of a mad man. The devil cannot take the form of the Holy Prophet as the devil is a model for sins and the Prophet a model for virtues which are diametrically opposite to one another. These two opposite things cannot unite together at any time. Similarly the devil scarcely can take form of saints and pious men and present himself in dream of such men. When any pious man appears in dream, that should be taken to be correct.

729. He will see the Prophet when he will be awake on the Resurrection Day.

730. Good dreams should be disclosed to dear ones, but bad dream

95. Jaber reported that the **Messenger of Allah said** : When any of you sees dream which is disliking to him, let him turn to his left side thrice, and let him seek refuge to Allah thrice from the devil, and let him turn from his side on which he was before. *Muslim.*

عن جابر قال قال رسول الله صلى الله عليه وسلم إذا رأى أحدكم الرؤيا يكرهها فليبصق عن يساره ثلاثا وليستعذ بالله من الشيطان ثلاثا وليتحول عن جنبه الذي كان عليه (مسلم)

96. Abu Hurairah reported that the **Messenger of Allah** said : When time (death) will draw near,[731] the dream of the believer will be scarcely false, and the dream of the believer is a part out of the 46 parts of prophet-hood ; and there will remain nothing of prophet hood, because he will not speak false-hood. Muhammad-b-Sirin said : I say that dream is of three kinds : Talk of oneself, threatening of the devil and good news from Allah. Whoever sees a thing which he dislikes he should not disclose it to anybody. Let him get up and pray. He said that he(Prophet) used to dislike extreme thirst in dream, and confinement used to please him. It was said : Confinement is confirmation in religion. *Agreed*

عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم إذا اقترب الزمان لم يكد يكذب رؤيا المؤمن ورؤيا المؤمن جزء من ستة وأربعين جزء من النبوة وما كان من النبوة فإنه لا يكذب قال محمد بن سيرين وأنا أقول الرؤيا ثلاث حديث النفس وتخويف الشيطان وبشرى من الله فمن رأى شيئا يكرهه فلا يقصه على أحد وليقم فليصل قال وكان يكره الغل في النوم ويعجبهم القيد ويقال القيد ثبات في الدين (متفق عليه)

97. Jaber reported that a man came to the Prophet and said : I have seen in a dream as if my head has been severed. He said : Then the Prophet laughed at this and said : When the devil plays with any of you in his sleep, he should not talk of it to men. *Muslim.*

عن جابر قال جاء رجل إلى النبي صلى الله عليه وسلم فقال رأيت في المنام كأن رأسي قطع قال فضحك النبي صلعم وقال إذا لعب الشيطان بأحدكم في منامه فلا يحدث به الناس (مسلم)

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should never be disclosed. They will not be correct as they come from the devil. Good dreams generally come out to be true.

731. When time will draw near means two things (1) when a man is near death, (2) and when the days of the world will draw near. Muslim

98. **Anas** reported that the Messenger of Allah said : I dreamt in one night what a sleeper sees as if we were at the door of Uqbah-b-Rafe and the fresh dates out of the dates of Ibn Ta'b were brought to us. Then I explained that there is security for us in this world and peace in the next world and that our religion is agreeable. *Muslim.*

عن انس قال قال رسول الله صلى الله عليه وسلم رأيت ذات ليلة فيما يرى النائم كأنا في دار عقبة بن رافع فأتينا برطب من رطب ابن طاب فأولت ان الرفعة لنا في الدنيا والعاقبة في الآخرة وان ديننا قد طاب (مسلم)

99. **Abu Musa** reported from the Prophet who said : I saw in dream that I am emigrating from Mecca to a land where there are dates. My imagination went that it was towards Yamamah or Hajr when lo ! it was Medina Yasreb. In this dream I saw that I prepared my sword but its middle part was broken, when lo! it was what the believers were afflicted with in the battle of Uhud. Then I prepared another and then it returned better than what it was ; when lo ! it was what Allah brought therewith regarding victory and unity of the believers.[732] *Agreed.*

عن ابي موسى عن النبي صلى الله عليه وسلم قال رأيت في المنام اني اهاجر من مكة الى ارض بها نخل فذهب وهلي الى انها اليمامة او هجر فاذا هي المدينة يثرب ورأيت في رؤياي هذه اني هززت سيفا فانقطع صدره فاذا هو ما اصيب من المؤمنين يوم احد ثم هززته اخرى فعاد احسن ما كان فاذا هو ما جاء الله به من الفتح واجتماع المؤمنين (متفق عليه)

100. **Abu Hurairah** reported that the Messenger of Allah said : While I was asleep, all the treasures of the world were brought before me and two

عن ابي هريرة قال قال رسول الله صلعم بينا انا نائم اتيت بخزائن الارض فوضع في

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entertains doubt whether the latter part of the saying is the saying of Ibn Syrin or of the Prophet himself.

732. Yamamah and Hizr are towns in Hijaz where dates are plenty. Yasreb was the previous name of the town of Medina.

bracelets of gold were placed in my hand. They became heavy for me and then it was revealed to me that I should blow them off. Then I blew them off and they went away. I interpreted them both as liars between whom I exist—the ruler of San'a and the ruler of Yamamah (in another narration, it was said that one of them was Musailamah, the ruler of Yamamah and another Ansa'a the ruler of San'a).[733] *Tirmizi.*

كفي سوارين من ذهب فكبرا علي فاوحي الي ان انفخهما فنفختهما فذهبا فاولتهما الكذابين الذين انا بينهما صاحب صنعاء وصاحب اليمامة متفق عليه وفي رواية يقال لاحدهما مسيلمة صاحب اليمامة والعنسي صاحب صنعاء (الترمذي)

101. **Ummul-Aalail-Ansariyah** reported : I saw in dream a fountain for Osman-b-Mazun which was flowing. I told it to the Messenger of Allah. He said : That is his work for which he has been rewarded. *Bukhari.*

عن ام العلاء الانصارية قالت رايت لعثمان بن مظعون في النوم عينا تجري فقصصتها على رسول الله صلى الله عليه وسلم فقال ذلك عمله يجري له (البخاري)

102. **Abu Razin Oquaili** reported that the Messenger of Allah said : The dream of a believer is a part out of 46 parts of prophet-hood and it is upon the leg of a bird so long as he does not disclose it. When he discloses it, it falls down; and I think that he said : Don't talk (of it) except to a friend or a wise man. *Tirmizi narrated it.* (*In a narration of Abu Daud,* he said : Dream remains upon the leg of a bird so long as it is not disclosed, but when it is disclosed, it falls down; and I consider it that he said : Don't narrate it except to a friend or a wise man).

عن ابي رزين العقيلي قال قال رسول الله صلى الله عليه وسلم رؤيا المؤمن جزء من ستة واربعين جزءا من النبوة وهي على رجل طائر ما لم يحدث بها فاذا حدث بها وقعت واحسبه قال لا تحدث الا حبيبا او لبيبا رواه الترمذي وفي رواية ابي داود قال الرؤيا على رجل طائر ما لم تعبر فاذا عبرت وقعت واحسبه قال ولا تقصها الا على واد او ذي راي

103. **Ayesha** reported that the Messenger of Allah was asked about Waraqa.[734] Khadija said to him : Surely he took you as

عن عائشة قالت سئل رسول الله صلى الله عليه وسلم عن ورقة فقالت له خديجة انه

733. Musailamah of Yamamah claimed prophet-hood, but he was killed during the caliphate of Hazrat Abu Bakr.

734. Waraqa-b-Naufal was a christian monk. When the Prophet at

true, but he died before you appeared (as Prophet). The Messenger of Allah said : I saw him in a dream while there was white cloth on him. Had he been of the inmates of fire, there would have been dress on him other than that.

Ahmad, Tirmizi.

كان قد صدقك و لكن مات قبل ان تظهر فقال رسول الله صلعم اريته فى المنام و عليه ثياب بيض ولو كان من اهل النار لكان عليه لباس غير ذلك (احمد و الترمذى)

268w. **Ibn Khujaimah-b-Sabet** from his uncle Abu Khujaimah reported that he saw what a sleeper sees that he prostrated upon the forehead of the Messenger of Allah. He informed him (Prophet). He (Prophet) then laid down for him and said : Make your dream prove true. Then he made prostration upon his forehead.

—*Sharhi sunnat.*

عن ابن خزيمة بن ثابت عن عمه ابى خزيمة انه راى فيما يرى النائم انه سجد على جبهة النبى صلى الله عليه و سلم فاخبره فاضطجع له و قال صدق رؤياك فسجد على جبهته (شرح السنة)

104. **Ibn Omar** reported that the Messenger of Allah said : The greatest of the slanders is a man's showing to his eyes what they have not seen.[735] *Bukhari.*

عن ابن عمر ان رسول الله صلى الله عليه و سلم قال من افرى الفرى ان يرى الرجل عينيه ما لم تريا - (البخارى)

105. **Abu Sayeed** reported from the Prophet who said : The most correct dream is at the latter part of night.

Tirmizi, Darimi.

عن ابى سعيد عن النبى صلى الله عليه و سلم قال اصدق الرويا بالاسحار - (الترمذى و الدارمى)

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the age of 25 years was going to Syria as an agent of the widow Khadija, he met this monk Waraqa who perceived prophet-hood in him from the descriptions given about him in the original Bible and believed him to be a prophet, before the Prophet reached the age of prophet-hood at 40 years of age. This Waraqa went to paradise according to the Prophet, because the previous religion christianity existed good for all before the birth of Islam. This Waraqa translated the Bible in Arabic. He became blind at the end of his life.

735. This is the greatest false-hood of a man who says that he has seen a thing which, in fact, he has not seen.

CHAPTER X

SECTION 1

736. Journey.

(*a*) *Journey.* The Quran and Hadis did not leave travels and journeys untouched. They have given an incentive to the Muslims to undertake journey for adding to the store-house of knowledge and experience and to broadcast the divine light that shone in the central horizon of Arabian peninsula, these are some of the verses of the Quran. Have they not travelled in the earth and seen how was the end of those who were before them? Mightier than these were they in strength and in fortifications in the land, but Allah destroyed them for their sins (40 : 21 Q). Say, Travel in the earth, then see how was the end of the guilty (27 : 69 Q). Say, travel in the earth, then see how was the end of those before. Most of them were polytheists—30 : 42 Q. Say, travel in the earth and see how He began creation and then how Allah creates latter creation—29 : 20 Q.

(*b*) *Two kinds of journey.* There are two kinds of journey—journey of body and journey of mind. Mind can journey very swiftly, swifter than all the methods for speedy communication hitherto discovered by scientists. Mind's journey towards the highest goal and concentration of thoughts about Him lead one to salvation. Such is the journey spoken of in the Quran about Abraham. And thus We showed Abraham the secrets of heaven and earth (4 : 76 Q). In the present chapter, we shall deal briefly with the journey of body.

(*c*) *Motive for journey.* Motive for journey plays a great part in bringing rewards for journey as actions are judged by motives (1 : 1). If it is undertaken, it is only for either of the two motives—from a religious point of view or from worldly point of view. Acquisition of property or fame is from worldly motive. Acquisition of knowledge, action in order to gain experience from outside world, to appreciate the workmanship of the Almighty, and to carry out divine behests are some of the objects of journey from a religious point of view.

(*d*) *Journey for learning* is compulsory or optional according as the learning to be acquired is compulsory or optional. This may be for acquisition of knowledge in religious affairs, for formation of good conduct and true religious life, and for widening the out-look after seeing the wonderful phenomena of nature in diversities of creation of the Most High. Man remains at ease at home and therefore

occasion does not arise for his virtues or sins as in a journey. True character is manifested in the hardship and toils of journey, and hence there is a great chance of formation of true character abroad. About phenomena of nature, there are mountains, plains, seas, oceans, rivers, planets and other things which supply food for reflection for those who understand.

(e) *Journey for divine service.* This kind of journey is undertaken for pilgrimage, Umrah, Jihad, visiting holy places and tombs of the Prophet and his companions and other pious souls, and visiting the living pious men and friends of Allah. The Holy Prophet prohibited to take journey for Ziarat except for praying in three mosques—mosques of Mecca, Medina and Jerusalem.

(f) Journey by way of flight for saving religion. This is called Hijrat or emigration for upkeeping the true faith Islam. The Holy Prophet showed this by fleeing from Mecca to Medina, and some of his companions fled to Abyssinia rather than abjure their religion.

(g) Journey fleeing away from epidemics and violent diseases. The Holy Prophet passed order that people should not go out of the areas infected with epidemics and mortal diseases and they should not come in to this infected areas (3 : 44).

(h) Journey, condemned and praise-worthy. Among the condemned journeys, there are unlawful and abominable journeys. The former applies in the case of a fugitive slave, and the latter is in the case of a man fleeing from infected areas. Among the praise-worthy journeys, there are compulsory and simple lawful journeys. The former is in the case of pilgrimage and search for learning, and the second for acquisition of wealth for maintenance of family-members.

(i) Journey or residence is better. Surely journey is better than the latter. The Almighty Allah exhorts the people to undertake journey for taking lessons from previous historical sites. Besides, the Prophet said that mixing is better than loneliness if mixing is allied with patience and observance of religious duties

(j) *There are eleven duties of a traveller.*

(1) He must return all rights of the oppressed men and the just dues and debts of others. He shall provide for timely expenses durning his absence from home. He shall return all trusts deposited w th him.

(2) He shall take at least one companion for journey, for there are many occasions when the necessity of a companion is urgently felt, for instance in case of illness. Journey has been spoken of as a sort of punishment, as the traveller has to live often without food, drink and accomodation (10 : 8). The general rule for number of companions is three (10 : 19). None should undertake long journey alone (10 : 268 w). One of them should be made leader, as the leader is the servant of fellow-travellers.

(3) He shall take leave of friends, companions, relatives and family members. He shall ask for their blessing and they should also pray for his safety in journey by saying—May Allah give you provision of piety, may He forgive your sins, and may He turn your face towards God wherever you remain.

(4) He shall say prayer of Istikharah for good journey by reading the first verse of the Quran and chapter Ikhlas.

(5) When he steps out at the door, he should praise Allah by saying—In the name of Allah, I resign to Allah, there is no power and strength except with Allah. O Allah ! I seek refuge to Thee from the troubles of the journey.

(6) He shall start just after sunrise preferably on Thursday because the Holy Prophet used to undertake journey in most cases on Thursday and in the morning (10 : 1, 17, 29).

(7) He shall not desert the company. Each of the party shall, by turn, guard the baggages and other things of the travellers. If any danger is confronted, 'Ayatul Kursi, chapter Ikhlas, and refuging verses should be read.

(8) He shall be kind to conveying animals and give them rest Beating is strictly prohibited (10 : 6, 24).

(9) He shall take six necessary things. The Holy Prophet used to take them always with him in a journey ; these are mirror, eye-paint stick, scissor, tooth-stick or brush, comb and pot.

(10) In returning from journey, he should offer praise of Allah and express thanks to those who took care of him. He shall not stay for more than 3 days in a house as a guest..

(11) After returning home, he shall first go to the mosque and offer two rakats prayer and make delay in going into the house. He should receive the children affectionately (10 : 19) and return generally in the morning or evening (10 : 19). On return, he should give a feast to friends and relatives (10 : 14).

(k) The following four concessions have been granted by Islam to a traveller

(1) In wazu ; rubbing over socks is sufficient for three days and three nights in journey. If water is not easily available, cleanliness by Tayyammum by earth can be made even in case where bath becomes compulsory.

(2) In obligatory duties ; the compulsory prayers of noon, afternoon, and night can be curtailed by two rakats, and the noon and afternoon prayers, and sun-set and night prayers can be united and performed at a time.

(3) In optional and sunnat prayers ; they can be said, while riding and walking, by signs and gestures if halting injures the progress of journey.

(4) In fasting ; fasting can be broken in actual journey without incurring any sin. It may be performed at other times.

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1. **Ka'ab-b-Malek** reported that the Prophet went out on Thursday for the battle of Tabuk, and he liked to go out on Thursday.[737] *Bukhari.*

عن كعب بن مالك ان النبي صلى الله عليه وسلم خرج يوم الخميس في غزوة تبوك وكان يحب ان يخرج يوم الخميس (البخاري)

2. **Abdullah-b-Omar** reported that the Messenger of Allah said : If the people had known what is in loneliness of which I know, a rider will not alone take journey at night.[738] *Bukhari.*

عن عبد الله بن عمر قال قال رسول الله صلى الله عليه وسلم لو يعلم الناس ما في الوحدة ما اعلم ما سار راكب بليل وحده - (البخاري)

3. **Abu Hurairah** reported that the Messenger of Allah

عن ابي هريرة قال قال رسول الله صلى

737. Tabuk is a place in Syria nearly one month's journey from Medina. The battle of Tabuk took place in 9 A. H. with Prophet on one side and the Romans on the other, cause of the fight being the murder of Prophet's ambassador sent to the governor of Syria with an invitation letter for accepting Islam. This was the last battle of the Prophet.

738 There are great difficulties and hardships in journey. There are anxieties of absence from home and from dear and near ones, of helplessness in foreign lands in times of distress and hardships, and of food and drink and sleep which he used to take regularly before he started from home. There is also laxity in religious observances.

said : The angels do not accompany the party in which there are dog and (sound-making) bells. *Muslim.*

الله عليه وسلم لا تصحب الملائكة رفقة فيها كلب ولا جرس (مسلم)

4. **Same** reported that the Messenger of Allah said : Bells are the singing instruments of the devil. *Muslim*

عنه ان رسول الله صلى الله عليه وسلم قال الجرس مزامير الشيطان (مسلم)

5. **Abu Bashir Ansari** reported that he was with the Ms. of Allah in one of his journeys. The Prophet sent a messenger (saying) : You must not have any necklace of string remaining in the neck of a camel (or necklace) but that it should be cut. *Agreed.*

عن ابي بشير الانصاري انه كان مع رسول الله صلعم في بعض اسفاره فارسل رسول الله صلعم رسولا لا تبقين في رقبة بعير قلادة من وتر (او قلادة) الا قطعت (متفق عليه)

6. **Abu Hurairah** reported that the Messenger of Allah said : When you make journey in dry land (desert), give the camel [739] its due from the earth, and when you make journey in (the year of) famine, hasten the journey thereon, and when you journey at night, avoid the road because it is then the paths of the beast and resort of poisonous animals at night ; (in another narration —When you journey in famine, then hasten with it while it has strength . *Muslim.*

عن ابي هريرة قال قال رسول الله صلعم اذا سافرتم في الخصب فاعطوا الابل حقها من الارض واذا سافرتم في السنة فاسرعوا عليها السير واذا عرستم بالليل فاجتنبوا الطريق فانها طرق الدواب ومأوى الهوام بالليل وفي رواية اذا سافرتم في السنة فبادروا بها نقيها (مسلم)

7. **Abu Sayeed al Khodri** reported : While we were in a journey with the Messenger of Allah, there came a man riding on a mule. He was turning his look right and left Then the Messenger of Allah said : Whoever has got an additional back with him, let him give it to

عن ابي سعيد الخدري قال بينما نحن في سفر مع رسول الله صلى الله عليه وسلم اذ جاء رجل على راحلة فجعل يضرب يمينا وشمالا فقال رسول الله صلعم من كان معه فضل ظهر

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739. The Holy Prophet strictly prohibited molesting beasts of burden. They are dumb creatures and cannot complain of their hardships except by gestures. They should be given grass and other food specially in long journey, and rest should be given to them when they require rest.

one who has got no back for him (to ride upon). And whoever has got additional provision, let him give it to one who has got no provision for him. Then he described about various kinds of properties, till we saw that there is no right for any of us in any additional property.[740] *Muslim.*

فليعد به على من لا ظهر له ومن كان له فضل زاد فليعد به على من لا زاد له فذكر من اصناف المال حتى رأينا انه لا حق لاحد منا في فضل (مسلم)

8. **Abu Hurairah** reported that the Messenger of Allah said: journey is a piece of punishment. It prevents any one of you from his sleep, his food and his drink. So when he finishes his necessity out of his journey, let him hasten to his family. *Agreed*

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم السفر قطعة من العذاب يمنع احدكم نومه وطعامه وشرابه فاذا قضى نهمته من وجهه فليعجل الى اهله (متفق عليه)

9. **Abdullah-b-ja'far** reported that whenever the Messenger of Allah returned from journey, he used to meet the children of the inmates of his family (first). And (once) he returned from a Journey. I went to him first and then he carried me before him. Afterwards, one of the sons of Fatema was brought. He also made him to follow him from behind. Then we three were taken to Medina upon an animal. *Muslim.*

عن عبد الله بن جعفر قال كان رسول الله صلى الله عليه وسلم اذا قدم من سفر تلقى بصبيان اهل بيته وانه قدم من سفر فسبق بي اليه فحملني بين يديه ثم جيء باحد ابني فاطمة فاردفه خلفه فادخلنا المدينة ثلاثة على دابة (مسلم)

10. **Anas** reported that he and Abu Talhah came with the Prophet of Allah, while Safiyyah[741] was riding behind upon his mule. *Bukhari.*

عن انس انه اقبل هو وابو طلحة مع رسول الله صلعم صفية مردفها على راحلته (البخاري)

11. **Same** reported that the Messenger of Allah never used

عنه قال كان رسول الله صلى الله عليه وسلم

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740. The man stopped and turned his look right and left as he fell in want of food and drink. The Holy Prophet instructed the sojourners that they should give them riding animals to those who have got no such animals and that they should give food to those whose provision ran short. Thus mutual give and take should be the rule in a journey for mutual comfort.

741. Safiyyah was taken along with the booty from the battle field of Khaibar. She afterwards married the Prophet.

to come to his family at night, and he used not to enter except at dawn or at night. —*Agreed.*

لا يطارق اهله ليلا وكان لا يدخل الا غدوة او عشية (متفق عليه)

12. **Jaber** reported that the **Messenger** of Allah said: When one of you prolongs his absence, let him not come to his family at night. —*Agreed.*

عن جابر قال قال رسول الله صلى الله عليه وسلم اذا اطال احدكم الغيبة فلا يطرق اهله ليلا (متفق عليه)

13. **Same** reported that the Prophet said: When you enter at night, don't go to your wife till she takes off her hairs of private parts and combs her dishevelled hairs. —*Agreed.*

عنه ان النبي صلى الله عليه وسلم قال اذا دخلت ليلا فلا تدخل اهلك حتى تستحد المغيبة وتمتشط الشعثة (متفق عليه)

14. **Same** reported that when the Prophet approached Madina, he slaughtered a camel or cow.[742] —*Agreed.*

عنه ان النبي صلى الله عليه وسلم لما قدم المدينة نحر جزورا او بقرة (متفق عليه)

15. **Ka'ab-b-Malek** reported that the Prophet used not to return from journey except at noon during day-time. When he came, he began first with the mosque. He used to pray two rak'ats[743] and then take his seat therein for men. —*Agreed.*

عن كعب بن مالك قال كان النبي صلعم لا يقدم من سفر الا نهارا في الضحى فاذا قدم بدأ بالمسجد فصلى فيه ركعتين ثم جلس فيه للناس (متفق عليه)

16. **Jaber** reported: I was with the Prophet in a journey. When we approached Medina, he said: Enter the mosque. Then he said two rak'ats of prayer therein. —*Bukhari.*

عن جابر قال كنت مع النبي صلى الله عليه وسلم في سفر فلما قدمنا المدينة قال ادخل المسجد فصل فيه ركعتين (البخاري)

17. **Sakhr-b-wada'ah** reported that the Messenger of

عن صخر بن وداعة قال قال رسول الله صلى الله

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742. This shows that after journey, feast should be given to dear ones. This was also the practice of the Prophet.

743. This is fore-noon prayer which the Prophet often used to say. This is applicable especially in Arabia where, owing to intense heat, it is impossible to walk at day-time.

Allah said : O Allah, give blessing to my people in their morning (attempts), and whenever he sent any army or battalion, he used to send them at the first part of the day. Sakhr was a merchant and he used to send merchandise at the early part of the day. So he became wealthy and his wealth was enormous. —*Tirmizi, Abu Daud.*

عليه وسلم اللهم بارك لامتي في بكورها وكان اذا بعث سرية او جيشا بعثهم من اول النهار وكان صخر تاجرا فكان يبعث تجارته اول النهار فاثرى وكثر ماله . (الترمذي وابوداود)

18. **Anas** reported that the Messenger of Allah said : You should take journey at night, because the earth becomes narrow at night. —*Abu Daud.*

عن انس قال قال رسول الله صلعم عليكم بالدلجة فان الارض تطوى بالليل (ابو داود)

19. **Amr-b-Shuaib** reported from his father from his grand-father that the Messenger of Allah said : One rider is a devil and two riders are two devils, and the three are riders (in journey).[744] —*Malek, Tirmizi, Abu Daud, Nisai.*

عن عمرو بن شعيب عن ابيه عن جده ان رسول الله صلى الله عليه وسلم قال الراكب شيطان والراكبان شيطانان والثلثة ركب (مالك والترمذي وابو داود والنسائي)

20. **Abu Sayeed al-Khodri** reported that the Messenger of Allah said : When there are three in a journey, make one of them a leader. —*Abu Daud.*

عن ابي سعيد ن الخدري ان رسول الله صلى الله عليه وسلم قال اذا كان ثلثة في سفر فليؤمروا احدهم (ابو داود)

21. **Ibn Abbas** reported from the Prophet : The best company is of four, and the best army is of 400 strong,[745] and the best battalion is of 4000 strong, and 12000 soldiers will never be defeated though few (in comparison with enemy). —*Tirmizi, Abu Daud.*

عن ابن عباس عن النبي صلى الله عليه وسلم قال خير الصحابة اربعة وخير السرايا اربعمائة وخير الجيوش اربعة آلاف ولن يغلب اثنى عشر الفا من قلة (الترمذي وابوداود)

22. **Jaber** reported that the Messenger of Allah used to keep behind in a journey that

عن جابر قال كان رسول الله صلعم يتخلف

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744. The rule is that in a journey, there should be three companions. Single journey is bad as, in case of illness and disaster, no help is at hand.

745. This was the principle of the units of the Prophet's soldiers.

he might help the weak and take him on back (of animal) and pray for them. —*Abu Daud.*

في المسير فيزجي الضعيف ويردف ويدعو لهم

(ابو داود)

23. **Abu Sa'labah Khushani** reported: When men landed at a place, they used to become separate in meadows and valleys. So the Messenger of Allah said: Verily your parting in these meadows and valleys—that is surely from the devil. After that, they did not land at a place but some of them certainly clung to others till it was said that if a cloth was spread out for them, it was certainly sufficient for them. —*Abu Daud.*

عن ابي ثعلبة الخشني قال كان الناس اذا نزلوا منزلا تفرقوا في الشعاب والاودية فقال رسول الله صلى الله عليه وسلم ان تفرقكم في هذه الشعاب والاودية انما ذلكم من الشيطان فلم ينزلوا بعد ذلك منزلا الا انضم بعضهم الى بعض حتى يقال لو بسط عليهم ثوب لعمهم

(ابو داود)

24. **Abu Hurairah** reported from the Prophet who said: Don't take the backs of your beasts as pulpits, because Allah made them subservient to you that they take you to the cities to which you cannot reach except by giving trouble to yourselves, and He made the earth for you. So fulfil your needs (riding) upon them.—*Abu Daud.*

عن ابي هريرة عن النبي صلى الله عليه وسلم قال لا تتخذوا ظهور دوابكم منابر فان الله انما سخرها لكم لتبلغكم الى بلد لم تكونوا بالغيه الا بشق الانفس وجعل لكم الارض فعليها فاقضوا حاجاتكم (ابو داود)

25. **Boraidah** reported that the Messenger of Allah was walking when lo! there came to him a man with an ass. He said: O Messenger of Allah! ride. The man made some delay. The Messenger of Allah said: No, you are entitled more to the back of your beast except when you make it over to me. He said: I have made it over to you. Then he rode. —*Trimizi, Abu Daud.*

عن بريدة قال بينما رسول الله صلى الله عليه وسلم يمشي اذ جاءه رجل معه حمار فقال يا رسول الله اركب وتأخر الرجل فقال رسول الله صلعم لا انت احق بصدر دابتك الا ان تجعله لي قال جعلته لك فركب

(الترمذي وابو داود)

26. **Sahl-b-Mu'az** reported from his father who said: We fought along with the Prophet. People made the houses insufficient and cut off the ways. Then the Prophet of Allah sent a proclaimer to proclaim among men (saying): Whoever makes a house narrow or cuts off a way, there is no (reward of) jihad for him. —*Abu Daud.*

عن سهل بن معاذ عن ابيه قال غزونا مع النبي صلى الله عليه وسلم فضيق الناس المنازل وقطعوا الطريق فبعث نبي الله صلعم مناديا ينادي في الناس ان من ضيق منزلا او قطع طريقا فلا جهاد له

(ابو داود)

27. **Jaber** reported from the Prophet who said: The best of what a man takes to his wife when he returns from journey is the first night. —*Abu Daud.*

عن جابر عن النبي صلى الله عليه وسلم قال ان احسن ما دخل الرجل اهله اذا قدم من سفر اول الليل (ابوداود)

28. **Abu Qatadah** reported that whenever the Messenger of Allah was in a journey and passed a night, he used to lay down upon his right hand, and whenever he took rest a little before dawn, he used to fix his fore-arm and place his head upon his palm. —*Muslim*

عن ابي قتادة قال كان رسول الله صلى الله عليه وسلم اذا كان في سفر فعرس بليل اضطجع على يمينه واذا عرس قبيل الصبح نصب ذراعه ووضع رأسه على كفه

(مسلم)

29. **Ibn Abbas** reported that the Prophet sent Abdullah-b-Rawahah in an army, and that coincided with the Jumma-day. His companions marched at dawn and he said: I shall keep behind and say prayer with the Messenger of Allah and then I shall reach them. When he prayed with the Messenger of Allah, he saw him and then said: What did prevent you to march at dawn with your companions? He replied: I wished to say

عن ابن عباس قال بعث النبي صلى الله عليه وسلم عبد الله ابن رواحة في سرية فوافق ذلك يوم الجمعة فغدا اصحابه وقال اتخلف واصلي مع رسول الله صلعم ثم الحقهم فلما صلى مع رسول الله صلعم رآه فقال ما منعك ان تغدو مع اصحابك فقال اردت

prayer with you and then to reach them. He said : Had you spent the whole of what is in the earth, you would not have secured the merit of their morning march. —*Tirmizi.*

أن أصلي معك ثم ألحقهم فقال لو أنفقت ما في الأرض جميعا ما أدركت فضل غدوتهم (الترمذي)

30. **Abu Hurairah** reported that the Messenger of Allah said : The angels do not accompany a party in which there is skin of leopard. —*Abu Daud.*

عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم لا تصحب الملائكة رفقة فيها جلد نمر (أبو داود)

267w. **Abdullah-b-Mas'ud** reported : On the day of Badar, we were every three on one mule, and Abu Lubabah and Ali-b-Abi Taleb were two companions of the Messenger of Allah. When the term of the Messenger of Allah came, they both said : We shall walk for you. He said : You both are not stronger than myself, and I am not more free than you both from reward. —*Sharhi-Sunnat.*

عن عبد الله بن مسعود قال كنا يوم بدر كل ثلاثة على بعير كان أبو لبابة وعلي ابن أبي طالب زميلي رسول الله صلى الله عليه وسلم فكانت إذا جاءت عقبة رسول الله صلعم قالا نحن نمشي عنك قال ما أنتما بأقوى مني وما أنا بأغنى عن الأجر منكما (شرح السنة)

268w. **Sahl-b-Sa'ad** reported that the Messenger of Allah said : The leader of a people in journey is their servant. So whoever surpasses them in service, does not surpass it with any action except martyrdom. —*Baihaqi.*

عن سهل بن سعد قال قال رسول الله صلعم سيد القوم في السفر خادمهم فمن سبقهم بخدمة لم يسبقوه بعمل إلا الشهادة (البيهقي)

268w₁. **Ibn Omar** reported that the Messenger of Allah prohibited a man to take journey alone. —*Ahmad.*

عن ابن عمر قال نهى رسول الله صلعم أن يسافر الرجل وحده ـ (أحمد)

CHAPTER XI

SECTION I.

746—Manners of eating

(a) Manners of eating. There are three times for observance of these manners: before eating, at the time of eating and after eating. The manners which should be observed at each time according to the Holy Quran and Hadis are given below.

(1) Manners to be observed before eating. (i) Everyone should see beforehand whether the food he is going to take is lawful or unlawful according to Islam. If it is unlawful, it shall not be taken at all, because prayer of a man eating unlawful things is not at all accepted. *(ii)* Secondly, everybody should wash his hands before going to take food, thereby removing the dirts that might have possibly stuck to his hands in busy pursuits of life. This is good from a hygienic point of view. Blessing of food also depends on washing and cleanliness before and after eating (11 : 18). *(iii)* Food should be placed on the dining cloth on the ground and not on tables as is now the custom. *(iv)* Sitting on dining cloth should be according to convenience of the eaters, either cross-legged, or sitting upon one leg, or sitting upon backs of legs, but eating should never be taken leaning against anything or in lying posture. The former does not befit a servant before his Master and the latter is injurious from hygienic point of view (11 : 20, 21). *(v)* To make niyyat of taking food for enabling the body to do religious duties ordered by Islam and not for simple relish. *(vi)* To satisfy oneself with ready-made food and not to give trouble to hosts for better diet. *(vii)* To ask many hands to participate in the food, as blessing lies in the united body (4 : 328).

(2) Manners to be observed at the time of actual eating. *(i)* The first and foremost duty of a man before eating is to take the name of Allah saying—In the name of Allah, the Most Beneficient and Merciful, because remembrance of Allah in every affair is the key-note of Islam. (11 : 2, 13, 14). *(ii)* Everyone shall eat with his right hand and not with his left unless on the ground of excuse (11 : 14), and hand should be used in actual eating and not knife or spoon, as the former is the easiest way of digestion and relish (11 : 24). *(iii)* Eating shall begin with salt for it is the chief of the condiments (11 : 74), and it shall be ended with salt. Salt also saves a man from some calamities. *(iv)* Short morsels should be taken slowly, and chewing

should be made well, as it greatly helps digestion. *(v)* Food should be taken from one side of dish or plate and not from the middle or any and every direction (11 : 20). *(vi)* If by chance any morsel falls on dining cloth, it shall be eaten as the devil uses it afterwards. *(vii)* None should puff breath on hot-food for cooling, or take drink before finishing meal unless pressed by necessity. *(viii)* At the time of drink, the name of Allah should be taken and the drink should be finished within three breaths (11 : 12).

(3) Manners to be observed after meal. *(i)* Everybody should stop eating before full satisfaction and with ⅓rd of the belly empty for sufficient breath, because over-eating makes the bowels weak causing looseness of bowels. *(ii)* He shall lick his hand and plate before going to wash his hand, because there is blessing therein. This blessing consists in the fact that it causes saliva to come out and it helps digestion (11 : 6, 7). *(iii)* He shall rub his hand with handkerchief and then wash. *(iv)* He shall then praise Allah who has given him food and drink by uttering : All praise is due to Allah who has given me food and drink (11 : 15, 11). *(v)* He may make 'khilal' if necessary, but the remnants of food in teeth, if extracted, should not be swallowed.

(b) *Eating in Jama'at or congregation.* The following manners should be observed in congregational meal or feast. (1) Nobody shall begin eating till others begin. (2) He shall not hasten in swallowing food, but make conversations with others regarding the lives of pious men or moral and religious matters. (3) He shall not take more food than his other companions. (4) He shall not compell others to take a dish which is not liking to him. (5) He shall not look while eating to the plates of others or to the manner of eating of others. (6) He shall not express any opinion about food or cooking in the assembly (11 : 33).

(c) Manners of serving. (1) Serving shall be made in haste. (2) Fruits should be served first and then meat because the Quran says : And fruits out of which they choose and flesh of birds out of which they desire—51 : 26 Q. Prophet Abraham also entertained guests with meat (51 : 26 Q). The Israilites were given meat from heaven as food. The Holy Prophet said that meat is the chief of foods. (3) Cold drink shall then be taken. (4) After that, sweets should

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References. For further reference, see traditions under note 446, 2 : 27w ; 3 : 99 ; 6 : 66, 106, 159, 160.

be served. (5) Delicious dish should not be reserved for the last touch of feast. (6) Sufficient quantity shall be placed before guests.

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1. **Amr-b-Abi Salamah** reported I was a boy under the care of the Messenger of Allah, and my hand was unsteady in the cups; so he said to me: Eat with your right hand and eat from what is near you (front side). —*Agreed.*

عن عمر بن ابي سلمة قال كنت غلاما في حجر رسول الله صلعم و كانت يدي تطيش في الصحفة فقال لي رسول الله صلى الله عليه و سلم كل بيمينك و كل مما يليك

(متفق عليه)

2. **Huzaifah** reported that the Messenger of Allah said: Verily the devil makes the food lawful whereupon Allah's name has not been taken. —*Muslim*

عن حذيفة قال قال رسول الله صلى الله عليه و سلم ان الشيطان يستحل الطعام ان لا يذكر اسم الله عليه (مسلم)

3. **Jaber** reported that the Messenger of Allah said: When a man enters his house and then remembers Allah at the time of entering it and taking his food, the devil says: No shelter for you for the night and no supper. And when he enters it and does not remember Allah at the time of entering it, the devil says: You have taken shelter for the night. And when he does not remember Allah at the time of taking food, the devil says: You have taken shelter for the night and also supper.[747] —*Muslim.*

عن جابر قال قال رسول الله صلى الله عليه و سلم اذا دخل الرجل بيته فذكر الله عند دخوله و عند طعامه قال الشيطان لا مبيت لكم و لا عشاء و اذا دخل فلم يذكر الله عند دخوله قال الشيطان ادركتم المبيت و اذا لم يذكر الله عند طعامه قال ادركتم المبيت و العشاء

(مسلم)

747. Before going to take food, every Muslim shall take the name of Allah and remember Allah who supplies the needs and provisions of men. Had He not allowed seeds or crops to grow, we would have all starved. Therefore food must be taken with—In the name of Allah, the Beneficent and Compassionate. The same principle applies in the sacrifice of animals which supply human needs of sustenance. If name of Allah is not taken in any of these things, they become unlawful. That is why the Muslims do not take meat cooked by the Hindus.

4. **Ibn Omar** reported that the Messenger of Allah said: When one of you eats, let him eat with his right hand, and when he drinks, let him drink with his right hand.[748] *Muslim.*

عن ابن عمر قال قال رسول الله صلى الله عليه وسلم إذا أكل أحدكم فليأكل بيمينه وإذا شرب فليشرب بيمينه (مسلم)

5. **Same** reported that the Messenger of Allah said: None of you shall ever take food with his left hand nor shall he drink therewith, because the devil eats with his left-hand and drinks therewith. —*Muslim.*

عنه قال قال رسول الله صلى الله عليه وسلم لا يأكلن أحدكم بشماله ولا يشربن بها فإن الشيطان يأكل بشماله ويشرب بها (مسلم)

6. **Ka'ab-b-Malek** reported that the Messenger of Allah used to eat with three fingers and to lick his hand before he washed it. —*Muslim.*

عن كعب بن مالك قال كان رسول الله صلى الله عليه وسلم يأكل بثلاثة أصابع ويلعق يده قبل أن يمسحها (مسلم)

7. **Jaber** reported that the Prophet used to lick the fingers and the plates and said: You don't know wherein there is blessing. —*Muslim.*

عن جابر أن النبي صلى الله عليه وسلم أمر بلعق الأصابع والصحفة وقال إنكم لا تدرون في أيه البركة (مسلم)

8. **Ibn Abbas** reported that the Prophet said: When any of you takes food, he shall not rub his hand till he licks it. —*Agreed.*

عن ابن عباس أن النبي صلى الله عليه وسلم قال إذا أكل أحدكم فلا يمسح يده حتى يلعقها (أو يلعقها) (متفق عليه)

9. **Jaber** reported: I heard the Messenger of Allah say: Surely the devil presents his case to everyone of you at the time of everything, till he presents it at the time of his food. When

عن جابر قال سمعت رسول الله صلى الله عليه وسلم يقول إن الشيطان يحضر أحدكم عند كل شيء من شأنه حتى يحضره عند طعامه فإذا

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748. It appears from this that the right-hand only shall be used for taking food and no spoon, because food taken by hand is easily digestible and gives much relish. Those who take food with spoon are deprived of these advantages, and neglect the sunnat of the Holy Prophet.

a morsel slips down from any of you, let him throw off what has stuck thereto from dust and then eat it and not leave it for the devil. When he finishes his meal, let him lick his fingers, because he does not know wherein of his food, there is blessing.[749] —*Muslim.*

سقطت من احدكم اللقمة فليمط ما كان بها من اذى ثم ليأكلها ولا يدعها للشيطان فاذا فرغ فليلعق اصابعه فانه لا يدري في اي طعامه تكون البركة (مسلم)

10. **Abu Juhaifah** reported that the Prophet said: I don't take meal in a leaning state.[750] —*Bukhari.*

عن ابي جحيفة قال قال النبي صلى الله عليه وسلم لا آكل متكئا (البخاري)

11. **Abu Omamah** reported that whenever the meal of the Prophet was raised (after he finished) he used to say: All praise is for Allah—abundant, sincere praise, blessing therein, without being sufficient and without being abandoned and without being free from want of it, O our Lord.[751] —*Bukhari.*

عن ابي امامة ان النبي صلى الله عليه وسلم كان اذا رفع مائدته قال الحمد لله حمدا كثيرا طيبا مباركا فيه غير مكفي ولا مودع ولا مستغنى عنه ربنا (البخاري)

12. **Anas** reported that the Messenger of Allah said: Verily Allah is certainly pleased with a servant who takes food and then praises Him therefor, or takes drink and then praises Him there-for. —*Muslim.*

عن انس قال قال رسول الله صلى الله عليه وسلم ان الله تعالى ليرضى عن العبد ان يأكل الاكلة فيحمده عليها او يشرب الشربة فيحمده عليها (مسلم)

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749. Food, however insignificant it might be, should not be wasted. If there is slight dust attached to a morsel of food falling suddenly from mouth, it should be taken up after the dust is cast off therefrom, and if it is impossible, it should be given to cats and dogs. The reason is to smash the sense of pride in man and to bring religious meekness in him.

750. To take food in any form of leaning has been discarded. Leaning is of various kinds—leaning against a wall, against a pillow or anything of this kind, resting the back on it, leaning upon one hand and taking food by another. There is truth in it according to medical jurisprudence. There are veins in body which should be given free scope at the time of meal. If leaned against, there is obstruction of these veins and therefore some kind of injury follows from it.

751. It means that however great we praise Allah, we shall not think that it is sufficient for Him as He is above sufficient praise. It should not be given up with an idea that Allah has been sufficiently praised and glorified and that there is no further need of His being praised. We should never entertain such idea that we are free from wants of Him. Allah alone is free from wants and we, being His creatures, stand in need from the Creator. Allah is rich and we are poor (29 : 6 Q.).

13. **Ayesha** reported that the Messenger of Allah said: When any of you eats but forgets to remember Allah over his food, let him say: In the name of Allah in its beginning and in its end.

—*Tirmizi, Abu Daud.*

عن عائشة قالت قال رسول الله صلى الله عليه وسلم إذا أكل أحدكم فنسي أن يذكر الله على طعامه فليقل بسم الله أوله وآخره

(الترمذي و ابوداود)

14. **Omayyah-b-Makhshi** reported that a man was eating but he did not take the name (of Allah) till there remained nothing of his food except a morsel. When he raised it up to his mouth he said: In the name of Allah in its first and last. The Prophet then laughed and said: The devil continued to eat with him, but when he remembered the name of Allah he vomitted what was in his belly. —*Abu Daud.*

عن أمية بن مخشي قال كان رجل يأكل فلم يسم حتى لم يبق من طعامه إلا لقمة فلما رفعها إلى فيه قال بسم الله أوله وآخره فضحك النبي صلى الله عليه وسلم ثم قال مازال الشيطان يأكل معه فلما ذكر اسم الله استقاء ما في بطنه (ابو داود)

15. **Abu Sayeed-al-Khodri** reported that when the Prophet finished taking his food, he used to say: All praise is for One who fed us and gave us drink and made us Muslims.

Tirmizi, Abu Daud, Ibn Majah.

عن أبي سعيد الخدري قال كان رسول الله صلعم إذا فرغ من طعامه قال الحمد لله الذي أطعمنا وسقانا وجعلنا مسلمين

(الترمذي و ابوداود و ابن ماجة)

16. **Abu Hurairah** reported that the Messenger of Allah said: The thankful eater is like the patient fasting man.

Tirmizi, Ibn Majah.

عن أبي هريرة قال قال رسول الله صلى الله عليه وسلم الطاعم الشاكر كالصائم الصابر

(الترمذي و ابن ماجة)

17. **Abu Ayyub** reported that whenever the Prophet took food and drink, he used to say: All praise is for Allah who fed and gave drink and made it to be swallowed easily and made for it an opening. —*Abu Daud.*

عن أبي أيوب قال كان رسول الله صلى الله عليه وسلم إذا أكل أو شرب قال الحمد لله الذي أطعم وسقى وسوغه وجعل له مخرجا

(ابو داود)

18. **Salman** reported: I read in the Torah that the blessing of food is (in) the ablution after it. I mentioned it to the Prophet. The Apostle Allah said: The blessing of food is (in) ablution before it and ablution after it.[752]

Tirmizi, Abu Daud.

عن سلمان قال قرأت في التوراة ان بركة الطعام الوضوء بعده فذكرت للنبي صلى الله عليه وسلم فقال رسول الله صلى الله عليه وسلم بركة الطعام الوضوء قبله والوضوء بعده

(الترمذي وابو داود)

19. **Ibn Abbas** reported that the Prophet came out of privy. Food was then served before him. They enquired: Shall we not come to you with ablution (water)? He replied: I have been ordered for ablution when I stand up for prayer.

Tirmizi, Abu Daud, Nisai, Ibn Majah from Abu Hurairah

عن ابن عباس ان النبي صلى الله عليه وسلم خرج من الخلاء فقدم اليه طعام فقالوا الا نأتيك بوضوء قال انما امرت بالوضوء اذا قمت الى الصلوة (الترمذي وابو داود والنسائي وابن ماجة عن ابي هريرة)

20. **Ibn Abbas** reported that a cup of soup was brought to the Prophet. Then he said: Eat from its sides and don't eat from its middle because blessing comes down in its middle.

Tirmizi, Ibn Majah, and Darimi

عن ابن عباس ان النبي صلى الله عليه وسلم اتي بقصعة من ثريد فقال كلوا من جوانبها ولا تأكلوا من وسطها فان البركة تنزل في وسطها - الترمذي وابن ماجة والدارمي

In narration of Abu Daud, he said: When any of you eats, he shall not eat from the top most portion of the plate, but he shall take from its lowest portion because blessing descends from its topmost portion.

في رواية ابي داود وقال اذا اكل احدكم فلا يأكل من اعلى الصحفة ولكن يأكل من اسفلها فان البركة تنزل من اعلاها

752. Here ablution means wash. If hands are washed before and after food is taken there are blessing and increase in food. Food remains the same but it supplies the needs of more men than what was originally intended therewith.

21. **Abdullah-b Amr** reported : The Messenger of Allah was never seen to eat leaning against, nor has he joined the heels of his two legs.

—*Abu Daud.*

عن عبد الله بن عمرو قال ما رئي رسول الله صلى الله عليه وسلم يأكل متكئا قط ولا يطأ عقبه رجلان (ابو داود)

22. **Abdullah-b-Hares-b-Jazain** reported that loaf and meat were brought to the Messenger of Allah while he was within the mosque. Then he ate and we also ate with him. Afterwards he got up and prayed and we also prayed with him. We did not do more than that we rubbed our hands with stones.

—*Ibn Majah.*

عن عبد الله بن الحارث بن جزء قال أتي رسول الله صلى الله عليه وسلم بخبز ولحم وهو في المسجد فأكل وأكلنا معه ثم قام فصلى وصلينا معه ولم نزد على ان مسحنا ايدينا بالحصباء (ابن ماجة)

23. **Abu Hurairah** reported that meat was brought to the Messenger of Allah, and hand was raised to it and it gave him satisfaction. He then tore it up with teeth.

—*Tirmizi, Ibn Majah.*

عن ابي هريرة قال أتي رسول الله صلى الله عليه وسلم بلحم فرفع اليه الذراع وكانت تعجبه فنهس منها (الترمذي وابن ماجة)

24. **Ayesha** reported that the Messenger of Allah said : Don't cut meat with knife, because it is of the acts of the foreigners,[753] but tear it off with teeth, because it is more tasteful and easy.

– *Abu Daud, Baihaqi.*

عن عائشة قالت قال رسول الله صلعم لا تقطعوا اللحم بالسكين فانه من صنع الاعاجم وانهسوه فانه اهنأ وامرأ (ابو داود والبيهقي)

25. **Nubshah** reported from the Messenger of Allah who said : Whoso eats in a plate and then licks it up, the plate seeks forgiveness for him.

Ahmad, Tirmizi, Ibn Majah Darimi (Rare).

عن نبيشة عن رسول الله صلى الله عليه وسلم قال من اكل في قصعة فلحسها استغفرت له القصعة احمد والترمذي وابن ماجة والدارمي (غريب)

26. **Abu Hurairah** reported that the Messenger of Allah

عن ابي هريرة قال قال رسول الله صلى

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753. Foreigners meant here are the non-Arabs. Saliva helps digestion. Therefore meat should be teared with teeth-natural knives. In the process of tearing, saliva comes up and thus helps digestion. Besides this, there are other reasons narrated in this hadis.

اللّٰه عليهِ وسلّم مَن باتَ وفي يدِهِ غَمَرٌ لم يغسِلْه فأصابَهُ فلا يلومَنَّ إلّا نفسَه

(الترمذي وابو داود وابن ماجة)

said : Whoso passed the night while there was dirtiness in his hand which he did not wash and which afflicted him, must not blame but himself.

Tirmizi, Abu Daud, Ibn Majah.

عن عِكْراشِ بنِ ذُؤَيبٍ قال أُتِينا بِجَفْنَةٍ كثيرةِ الثَّرِيدِ والوَذْرِ فخَبَطْتُ بيدي في نواحيها وأكلَ رسولُ اللّٰه صلّى اللّٰه عليهِ وسلّم من بينِ يديهِ فقبضَ بيدِهِ اليُسرى على يدي اليُمنى ثمّ قالَ عِكراشُ كُلْ مِن موضعٍ واحدٍ فإنّه طعامٌ واحدٌ ثمّ أُتِينا بطبقٍ فيهِ ألوانُ التمرِ فجعلتُ آكُلُ مِن بينِ يديَّ وجالتْ يدُ رسولِ اللّٰه صلّى اللّٰه عليهِ وسلّم في الطبقِ فقالَ يا عِكراشُ كُلْ مِن حيثُ شئتَ فإنّه غيرُ لونٍ واحدٍ ثمّ أُتِينا بماءٍ فغسلَ رسولُ اللّٰه صلّى اللّٰه عليهِ وسلّم يديهِ ومسحَ ببللِ كفّيهِ وجهَهُ وذِراعيهِ ورأسَهُ وقالَ يا عِكراشُ هذا الوضوءُ ممّا غيّرتِ النّارُ

(الترمذي)

27. **Ekrash-b-Jowaib** reported : A heavy dish of many soups and boneless meat were served before us. Then I took from its sides with my hand and the Prophet also ate from its front. He put his left hand upon his right-hand and said : O Ekrash ! eat from one place because it is the same food. Then a tray with many kinds of dates therein was brought before us, and then I began to eat from my front side and the hand of the Messenger of Allah roamed in the tray. He said : O Ekrash ! eat from whichever side you like, as it is not the same dish. Then water was brought to us and the Prophet washed his hands and rubbed his face, and his hands and his head with the moisture of his palms and said : O Ekrash, this is the ablution from what the fire changed.[754] —*Tirmizi*

عن المغيرةِ بنِ شُعبةَ قالَ ضِفْتُ مع رسولِ اللّٰه صلّى اللّٰه عليهِ وسلّم ذاتَ ليلةٍ فأمرَ

28. **Mugirah-b-Shu'bah** reported : One night, I was a co-guest with the Messenger

754. This was said by the Holy Prophet when women were present before him. Haisa is a kind of liquid food which is prepared with flour water, and sometimes with milk and sweets. This is also called by the Arabs Harirah and Talbinah.

of Allah. He directed for a roast and so it was roasted. Then he took a knife and began to cut off a portion of it for me. Bilal came then to call him for prayer. He threw off the knife and said: What is for him? May his hands be covered with dust. He said: His moustache was profuse. So he said to me: I shall shorten it for you over a tooth-brush (or shorten it over a tooth-brush.)[754a]

Tirmizi.

بِجَنْبٍ فَشُوِيَ ثُمَّ أَخَذَ الشَّفْرَةَ فَجَعَلَ يَحُزُّ لِي بِهَا مِنْهُ فَجَاءَ بِلَالٌ يُؤْذِنُهُ بِالصَّلٰوةِ فَأَلْقَى الشَّفْرَةَ فَقَالَ مَا لَهُ تَرِبَتْ يَدَاهُ قَالَ وَكَانَ شَارِبُهُ وَفَاءً فَقَالَ لِي أَقُصُّهُ لَكَ عَلَى سِوَاكٍ (أَوْ قُصَّهُ عَلَى سِوَاكٍ)

(التِّرْمِذِي)

29. **Huzaifah** reported: Whenever we were present with the Prophet in a meal, we used not to put our hands till the Messenger of Allah began and placed his hand. We were present with him in one meal. Then a slave-girl came as if she was pushed in (out of hunger). She was going to place her hand in the food. The Messenger of Allah caught hold of her hand. Afterwards a desert Arab came as if he was pushed in (out of hunger). He also caught hold of his hand. Then the Messenger of Allah said: Verily the devil makes the food lawful in which the name of Allah has not been taken and verily he has come with this girl in order to make it lawful on her account. Therefore I caught her by the hand. Then he has come with this desert Arab in order to make it lawful. Therefore I caught him by the hand. By Him in whose Hand there stands my life, verily his hand is in my hand with her hand. (He adds in a narration that he remembered the name of Allah and ate). *Muslim.*

عَنْ حُذَيْفَةَ قَالَ كُنَّا إِذَا حَضَرْنَا مَعَ النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ طَعَامًا لَمْ نَضَعْ أَيْدِيَنَا حَتَّى يَبْدَأَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فَيَضَعَ يَدَهُ وَإِنَّا حَضَرْنَا مَعَهُ مَرَّةً طَعَامًا فَجَاءَتْ جَارِيَةٌ كَأَنَّهَا تُدْفَعُ فَذَهَبَتْ لِتَضَعَ يَدَهَا فِي الطَّعَامِ فَأَخَذَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ بِيَدِهَا ثُمَّ جَاءَ أَعْرَابِيٌّ كَأَنَّمَا يُدْفَعُ فَأَخَذَ بِيَدِهِ فَقَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ إِنَّ الشَّيْطَانَ يَسْتَحِلُّ الطَّعَامَ أَنْ لَا يُذْكَرَ اسْمُ اللهِ عَلَيْهِ وَإِنَّهُ جَاءَ بِهٰذِهِ الْجَارِيَةِ لِيَسْتَحِلَّ بِهَا فَأَخَذْتُ بِيَدِهَا فَجَاءَ بِهٰذَا الْأَعْرَابِيِّ لِيَسْتَحِلَّ بِهِ فَأَخَذْتُ بِيَدِهِ وَالَّذِي نَفْسِي بِيَدِهِ إِنَّ يَدَهُ فِي يَدِي مَعَ يَدِهَا زَادَ فِي رِوَايَةٍ ثُمَّ ذَكَرَ اسْمَ اللهِ وَأَكَلَ

(مُسْلِم)

754a. Place a tooth brush over moustache and cut it.

269w. **Abu Ayyub** reported: We were near the Prophet and then food was brought to him. I did not find any food greater in blessing than what we had first eaten therefrom and lesser in blessing in its last. We asked: O Messenger of Allah, how is this? He replied: We remembered the name of Allah when we ate. Afterwards he who ate took his seat and did not remember Allah, and the devil took food with him. *Sharhi-Sunnat*

عن ابى ايوب قال كنا عند النبى صلى الله عليه وسلم فقرب طعام فلم ار طعاما كان اعظم بركة منه اول ما اكلنا ولا اقل بركة فى اخره فقلنا يا رسول الله كيف هذا قال انا ذكرنا اسم الله حين اكلنا ثم قعد من اكل ولم يسم الله فاكل معه الشيطان (شرح السنة)

270w. **Ayesha** reported that the Messenger of Allah wished to purchase a boy. So he threw dates in his presence and the boy then ate and ate too much. The Messenger of Allah said: Verily too much eating brings misfortune. He ordered for his return. *Baihaqi*

عن عائشة ان رسول الله صلعم اراد ان يشترى غلاما فالقى بين يديه تمرا فاكل الغلام فاكثر فقال رسول الله صلعم ان كثرة الاكل شؤم وامر برده (البيهقى)

271w. **Anas b-Malek** reported that the Messenger of Allah said: When food is served, take off your shoes, because it is more solacing to your feet. *Darimi.*

عن انس بن مالك قال قال رسول الله صلى الله عليه وسلم اذا وضع الطعام فاخلعوا نعالكم فانه اروح لاقدامكم (الدارمى)

272w. **Asma'a-bn-Abi-Bakr** reported that whenever anysoup was brought to her, she directed to have it covered till the heat of its vapour went out. She used to say: I heard the Messenger of Allah say: That is the greatest blessing. *Darimi.*

عن اسماء بنت ابى بكر انها كانت اذا اتيت بثريد امرت به فغطى حتى تذهب فورة دخانه وتقول انى سمعت رسول الله صلى الله عليه وسلم يقول هو اعظم البركة (الدارمى)

273w. **Nabishah** reported that the Messenger of Allah said: Whoever takes food in a plate and then licks it up, the plate prays for him: May Allah save thee from the fire as thou hast saved me from the devil. *Razin.*

عن نبيشة قال قال رسول الله صلعم من اكل فى قصعة ثم لحسها تقول له القصعة اعتقك الله من النار كما اعتقتنى من الشيطان (رزين)

SECTION 2

755. Food

(a) *Object of Food.* The great object of food is to upkeep the body. Therefore all that is necessary for such a purpose is to supply sufficient food and drink to the body that it may go on properly. As water is necessary for crops and vegetables, food is also necessary for human life. As excessive water injures the crops and vegetables, excessive food also injures the body. Therefore the golden mean is the best. In other words, food and drink in a moderate quantity is highly beneficial for upkeep of the body.

(b) *Quantity of food.* There can't be any hard and fast rule with regard to the moderate quantity of food which a man should take, because it differs with different individuals according to long-continued habits and practices. What is considered sufficient to an idle rich man may be quite insufficient for a poor day-labourer, and what is considered as a moderate quantity for a strong healthy man may be an excessive quantity for a diseased man. The Holy Prophet therefore recommended for a normal man the following quantity of food. One portion of his belly may be filled up with solid food, and one portion with drink, and the remaining portion must be left empty (29 : 22). This is strictly in conformity with the medical jurisprudence which advises that a man should get up from his dinner with a little hunger because that helps digestion. The prescribed quantity must not be exceeded. For a self-denying and pious man, the Holy Prophet recommended a quantity of food which is just sufficient to keep his back-bone erect (29 : 22), because a hungry belly is the fountain of wisdom and sharp intellect. Moderate quantity of food depends on practice. The greater are the self-denying practices regarding food and drink, the lesser is the quantity required, because howsoever we increase our food, sleep and fear, they go on increasing. There are many advantages of a man remaining a little hungry. They have been narrated in note 2035 in connection with fasting. In short by this method, intellect is sharpened, passions are brought under control, body is made fit for constant work, sleep is lessened, time is saved, health is maintained and sincere divine service can flow from mind. The Quran gives sanction to moderate food by saying : Eat and drink and be not immoderate—7 : 31 Q.

(c) *Kinds of Food.* There are various kinds of food, some of which have been declared unlawful and some lawful. Notes 781 and 785 deal with them. The chief of the foods is said by the Holy Prophet to be the meat, because it grows flesh in the body. In cold countries it is specially suitable as it increases the heat of the body. The Quran says by way of recommendation of meat: Flesh of birds of which they desire—51 : 26 Q. Moses asked the Israilites when they asked him for food other than meat: Will you exchange which is better for that which is worse? —2 : 61 Q. Bread, fruits and dates are the staple foods of the Arabs. These things with green vegetables, gourds, and dates have been recommended. The Quran says: Then eat of all the fruits—16 : 69 Q. And of the fruits of the palms and the grapes—you obtain from them intoxication and goodly provision—16 : 67 Q. Fish can be eaten but it is not so useful as meat as it melts the body (7 : 160). Onions and garlic have not been recommended for eating, but a little quantity when cooked may lawfully be taken—11 : 53. Salt and vinegar are the best condiments and they are cures for poison—11 : 42. Milk serves the purpose of both food and drink and hence it is highly efficacious. The Holy Quran says: Pure milk, easy and agreeable to swallow for those who drink—26 : 66 Q. The drink of honey has been recommended as a sort of tonic. The Quran says: In it, there is healing for men—16 : 69 Q. Sweets and sweet preparations may be taken with profit—11 : 38.

Contents. A believer eats much less than an unbeliever—11 : 34; excessive eating is a cause of bad luck—11 : 274w; food of three is sufficient for four—11 : 35; food should be measured—11 : 56; Prophet did not eat on plates and cups—11 : 30; he did not enjoy fine food—11 : 31; Prophets grazed cattle—11 : 45; water of truffle is a cure for eye—11 : 43; best dates are cures for poison and sleeplessness—11 : 48; olive oil is useful —11 : 60.

References. Quran—The whole chapter V relates to food. Eat of the good things that We have given you—2 : 57. Eat and drink of the provisions of Allah—2 : 60. O men! eat of the lawful and good things of what is in the earth—2 : 168; all food was lawful to Israel—3 : 92; the cattle quadrupeds are allowed to you—5 : 1. O you who believe! do not forbid the good things which Allah has made lawful for you and donot exceed the limits—5 : 87; there is no animal in the earth but on Allah is the sustenance of it—11 : 6; 29 : 60; He gives him substenance from whence he thinks not—65 : 3. *Hadis*-Prophet's prayer for bare livelihood—29 : 5, 15, 16, 18; hungry man's fortune in the next world—29 : 23.

—:o:—

30. **Qatadah** from Anas reported that the Prophet did

عَنْ قَتَادَةَ عَنْ أَنَسٍ قَالَ مَا أَكَلَ النَّبِيُّ

take neither food in plates, nor in cups, and no thin bread was baked for him. It was questioned to Qatadah : On what thing did they take food ? He replied : On dining tray [755a] —*Bukhari*.

صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ عَلٰى خِوَانٍ وَلَا فِيْ سُكُرُجَةٍ وَلَا خُبِزَ لَهُ مُرَقَّقٌ قِيْلَ لِقَتَادَةَ عَلٰى مَا يَأْكُلُوْنَ قَالَ عَلَى السُّفَرِ (اَلْبُخَارِيْ)

31. **Anas** reported : I do not know the Prophet to have ever seen thin bread, till he reached Allah, or to have ever seen roasted kid with his own eyes. [756] —*Bukhari*.

عَنْ اَنَسٍ قَالَ مَا اَعْلَمُ النَّبِيَّ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ رَاٰى رَغِيْفًا مُرَقَّقًا حَتّٰى لَحِقَ بِاللّٰهِ وَلَا رَاٰى شَاةً سَمِيْطًا بِعَيْنِهِ قَطُّ (اَلْبُخَارِيْ)

32. **Sahl-b-Sa'ad** reported : I did never see the Prophet to have taken fresh date ever since Allah sent him (as a Prophet) till Allah took his breath. He said : I did not see the Messenger of Allah to have taken sifted flour ever since Allah sent him (as a Prophet) till Allah took his breath. He was questioned : How did you take flour without sifting it ? He said : We used to grind it and blow it off. So what flew would fly and we cooked what remained and then we ate it [757] *Bukhari*

عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ مَا رَاٰى رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ النَّقِيَّ مِنْ حِيْنِ ابْتَعَثَهُ اللّٰهُ حَتّٰى قَبَضَهُ اللّٰهُ وَقَالَ مَا رَاٰى رَسُوْلُ اللّٰهِ صلعم مُنْخُلًا مِنْ حِيْنِ ابْتَعَثَهُ اللّٰهُ حَتّٰى قَبَضَهُ اللّٰهُ قِيْلَ كَيْفَ كُنْتُمْ تَاْكُلُوْنَ الشَّعِيْرَ غَيْرَ مَنْخُوْلٍ قَالَ كُنَّا نَطْحَنُهُ وَنَنْفُخُهُ فَيَطِيْرُ مَا طَارَ وَمَا بَقِيَ ثَرَّيْنَاهُ فَاَكَلْنَاهُ (اَلْبُخَارِيْ)

33. **Abu Hurairah** reported that the Prophet did never speak ill of any food. If he liked it he took it, and if he did not like it he left it. [758] —*Agreed*.

عَنْ اَبِيْ هُرَيْرَةَ قَالَ مَا عَابَ النَّبِيُّ صلعم طَعَامًا قَطُّ اِنِ اشْتَهَاهُ اَكَلَهُ وَاِنْ كَرِهَهُ تَرَكَهُ (مُتَّفَقٌ عَلَيْهِ)

755a. This dining tray was usually big and many people could participate in it. No separate plate was necessary for the Prophet. But this does not prohibit us from taking food in plates and cups if there is no sense of pride and boast therein.

756. Samit is that goat which is stripped of hairs and then fried tastefully This is the practice of the Chineese. The Prophet thought it a luxury and therefore avoided it.

757. This was by way of extreme piety of the Prophet and abandonment of all worldly relishes. Had he wished wealth and fineries of the world, he would not have led such a life.

758. It is against the rule of formality and etiquette to speak ill of any soup or food in a feast, because this offends the host, and no Muslim shall give offence to any body without reason.

34. **Same** reported that a man used to take much food. Then he accepted Islam and used to eat little. This was mentioned to the Prophet who said : Verily the believer eats in one gutt and the unbeliever eats in seven gutts.

Bukhari narrated it, Muslim narrated it from Abu *Musa and Ibn Omar.*

عنه ان رجلا كان ياكل اكلا كثيرا فاسلم وكان ياكل قليلا فذكر ذلك للنبي صلى الله عليه وسلم فقال ان المؤمن ياكل في معا واحد وان الكافر ياكل في سبعة امعاء (رواه البخاري وروى مسلم عن ابي موسى وابن عمر)

35. **Abu Hurairah** reported that the Prophet entertained a guest who was an infidel. The Prophet ordered a goat (to be milked) and so it was milked. He then drank its milk. Then another (was milked) and he drank it. Then another, and he drank it, till he drank the milk of seven goats. Afterwards he got up at dawn and accepted Islam. The Messenger of Allah ordered for a goat to be brought and it was milked. Then he drank its milk. Afterwards he ordered for another, but he could not finish it. Then the Messenger of Allah said : The believer drinks in one intestine, and the infidel in seven intestines.[759] —*Muslim.*

عن ابي هريرة ان رسول الله صلعم ضافه ضيف وهو كافر فامر رسول الله صلعم بشاة فحلبت فشرب حلابها ثم اخرى فشربه ثم اخرى فشربه حتى شرب حلاب سبع شياه ثم انه اصبح فاسلم فامر له رسول الله صلعم بشاة فحلبت فشرب حلابها ثم امر باخرى فلم يستتمها فقال رسول الله صلى الله عليه وسلم المؤمن يشرب في معا واحد والكافر يشرب في سبعة امعاء (مسلم)

36. **Same** reported that the Messenger of Allah said : The food of two men is sufficient for three and the food of three is sufficient for four. —*Agreed.*

عنه قال قال رسول الله صلى الله عليه وسلم طعام الاثنين كافي الثلثة وطعام الثلثة كافي الاربعة (متفق عليه)

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759. The Muslims do not hanker after much quantity of food, because they understand that by keeping the belly a little hungry, the power of soul is increased. There is also blessing in disguise in a Muslim's food as he begins it in the name of Allah. It is deduced from this that eating up to heart's content and bellyful is strictly condemned, as it is a standing menance to spiritual progress and shuts up the door of knowledge.

37. **Jaber** reported: I heard the Messenger of Allah say: The food of one is sufficient for two, and the food of two is sufficient for four, and the food of four is sufficient for eight.[760] —*Muslim*

عن جابر قال سمعت رسول الله صلى الله عليه وسلم يقول طعام الواحد يكفي الاثنين وطعام الاثنين يكفي الاربعة وطعام الاربعة يكفي الثمانية (مسلم)

38. **Ayesha** reported: I heard the Messenger of Allah say: Talbinah gives relief to the heart of the sick after removing some of the complaints.[761] —*Agreed.*

عن عائشة قالت سمعت رسول الله صلى الله عليه وسلم يقول التلبينة مجمة لفؤاد المريض تذهب ببعض الحزن (متفق عليه)

39. **Anas** reported that a tailor invited the Prophet for a feast he prepared. I accompanied the Prophet. Then the loaf of wheat and broth with gourd and roasted mutton were brought. I noticed the Prophet seeking gourd from the sides of the cup. Thereafter I did not cease to like gourd. —*Agreed.*

عن انس ان خياطا دعا النبي صلى الله عليه وسلم لطعام صنعه فذهبت مع النبي صلعم فقرب خبز شعير ومرقا فيه دباء وقديد فرايت النبي صلعم يتتبع الدباء من حوالي القصعة فلم ازل احب الدباء بعد يومئذ (متفق عليه)

40. **Amr-b-Umayyah** reported that he saw the Prophet cutting meat from the shoulder of a goat in his hand. He was then called for prayer. He threw it off and the knife with which he was cutting. Afterwards he got up and prayed[762] and did not make ablution. —*Agreed.*

عن عمرو بن امية انه راى النبي صلعم يحتز من كتف شاة في يده فدعي الى الصلوة فالقاها والسكين التي يحتز بها ثم قام فصلى ولم يتوضأ (متفق عليه)

41. **Ayesha** reported that the Messenger of Allah used to like sweetmeats and honey. —*Bukhari*

عن عائشة قالت كان رسول الله صلعم يحب الحلواء والعسل (البخاري)

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760. This is by way of inducement to the Muslims to give their food to the poor and the needy without taking additional trouble of cooking additional food. Food cooked for men is sufficient for at most double of such men.

761. Talbinah is a kind of light liquid tiffin prepared with flour and milk with sweets. It is taken generally at the end of a feast of the Muslims. It is useful to the sick as it gives relish to him and helps digestion.

762. This teaches us that as soon as call for prayer is heard from

42. **Jaber** reported that the Prophet asked his house-hold for condiment. They said : We have got nothing with us but vinegar. He then called for it and began to eat it and say : How good is the condiment of vinegar, how good is the condiment of vinegar.[763] —*Muslim*

عن جابر ان النبى صلى الله عليه وسلم سأل اهله الادم فقالوا ما عندنا الا خل فدعا به فجعل يأكل به ويقول نعم الادام الخل نعم الادام الخل (مسلم)

43. **Sayeed-b-Zaid** reported that the Prophet said : Truffle is a kind of manna and its water is a cure for the eye. *Agreed upon it. And in a narration of Muslim* - Of manna which Allah sent down upon Moses (peace on him.)

عن سعيد بن زيد قال قال النبى صلى الله عليه وسلم الكماة من المن وماؤها شفاء للعين (متفق عليه) وفى رواية لمسلم من المن الذى انزل الله تعالى على موسى عليه السلام

44. **Abdullah-b-Ja'far** reported : I saw the Messenger of Allah eating fresh dates with vegetables. —*Agreed.*

عن عبد الله ابن جعفر قال رأيت رسول الله صلعم يأكل الرطب بالقثاء (متفق عليه)

45. **Jaber** reported : We were with the Messenger of Allah at Marra-Jahran plucking fruits of Arak tree. He said : You should pluck black ones therefrom, because that is more pleasant He was asked : Were you grazing cattle ? "Yes" replied he, "and was there any prophet who did not but graze them ?" —*Agreed.*

عن جابر قال كنا مع رسول الله صلى الله عليه وسلم بمر الظهران نجنى الكباث فقال عليكم بالاسود منه فانه اطيب فقيل اكنت ترعى الغنم قال نعم وهل من نبى الا رعاها (متفق عليه)

46. **Ibn Omar** reported that the Prophet forbade a man's joining two dates, till he seeks permission of his companions.[764] —*Agreed.*

عن ابن عمر قال نهى رسول الله صلى الله عليه وسلم ان يقرن الرجل بين التمرتين حتى يستأذن اصحابه (متفق عليه)

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the 'muazzen, all of our works should be suspended and become semi-unlawful. Then like the bugle of the military commander, we should at once join the ranks of prayer.

763. Vinegar is the most useful thing among food. Its usefulness has been described elaborately in medical books.

764. This is by way of etiquette. If two men sit in the same dish to partake of food, one should not take the second bread till the other finishes the first one.

47. **Ayesha** reported that the Prophet said : The members of the house-hold with whom there are dry dates should not feel hungry. And in a narration, he said : O Ayesha ! (as for) a house in which there are no dates, its inmates are hungry. He reported it twice or thrice. —*Muslim.*

عن عائشة ان النبي صلى الله عليه وسلم قال لا يجوع اهل بيت عندهم التمر وفي رواية قال يا عائشة بيت لا تمر فيه جياع اهله قالها مرتين او ثلثا (مسلم)

48. **Sa'ad** reported : I heard the Messenger of Allah say : Whoever takes seven Ajwah dates in the morning, neither poison nor sleeplessness will injure him that day. —*Agreed.*

عن سعد قال سمعت رسول الله صلى الله عليه وسلم يقول من تصبح بسبع تمرات عجوة لم يضره ذلك اليوم سم ولا سحر (متفق عليه)

49. **Ayesha** reported that the Messenger of Allah said : Surely there is cure in Ajwah dates of Aliya[765] and that is a tiffin for early morn. —*Muslim.*

عن عائشة ان رسول الله صلى الله عليه وسلم قال ان في عجوة العالية شفاء وانها ترياق اول البكرة (مسلم)

50. **Ayesha** reported : There came a month to us wherein we had not kindled fire (for food). There were only dates and water, excepting a little quantity of meat that was brought.[766] —*Agreed.*

عنها قالت كان يأتي علينا الشهر ما نوقد فيه نارا انما هو التمر والماء الا ان يؤتى باللحيم (متفق عليه)

51. **Same** reported that the family of Muhammad had (even) no bread of flour to their satisfaction for two days except that there was date for one of the two (days). —*Agreed.*

عنها قالت ما شبع ال محمد يومين من خبز بر الا واحدهما تمر (متفق عليه)

52. **Same** reported : The Messenger of Allah died while we had no dates and water to our satisfaction. —*Agreed.*

عنها قالت توفي رسول الله صلى الله عليه وسلم وما شبعنا من الاسودين (متفق عليه)

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765. Ajwah-date is a kind of date of Medina. It has got property of destroying poison. Aliyah is a place near the mosque Qubba at Medina.

766. Had he the Prophet wished wealth, the Arabs were ready to give it to him and even to make him king over them, but the Holy Prophet prepared to remain free in his mission than getting entangled in the treasures of the world. It is a food for reflection to see what a great deal of sufferings he underwent to propagate the word of Allah.

53. **Nu'man-b-Bashir** reported that he asked : Are you not in food and drink up to your satisfaction ? I have certainly seen your Prophet who did not find even a bad quality of dates which could fill up his belly. —*Muslim.*

عن النعمان بن بشير قال ألستم في طعام وشراب ما شئتم لقد رأيت نبيكم صلى الله عليه وسلم وما يجد من الدقل ما يملأ بطنه (مسلم)

54. **Abu Ayyub** reported : Whenever any food was brought to the Prophet, he ate something therefrom and sent the excess to me. One day, he sent to me the cup wherefrom he did not eat, because there was garlic therein. Then I asked him : Is it unlawful ? 'No' replied he, 'but I dislike it on account of its air.' He said : Surely I shall dislike what you have disliked.[767] —*Muslim.*

عن أبي أيوب قال كان النبي صلى الله عليه وسلم إذا أتي بطعام أكل منه وبعث بفضله إلي وإنه بعث إلي يوما بقصعة لم يأكل منها لأن فيها ثوما فسألته أحرام هو قال لا ولكن أكرهه من أجل ريحه قال فإني أكره ما كرهت (مسلم)

55. **Jaber** reported that the Prophet said : Whoso eats garlic or onion, let him keep aloof from us (or he said : Let him not come to our mosque, and let him sit within his house). Some bone-meat with green vegetables was brought to the Prophet. Then he smelt its air and said : Take it to some one of his companions. He said : Eat, because I whisper with one (Gebriel) with whom you whisper not. —*Agreed.*

عن جابر أن النبي صلى الله عليه وسلم قال من أكل ثوما أو بصلا فليعتزلنا (وقال فليعتزل مسجدنا أو ليقعد في بيته) وإن النبي صلعم أتي بقدر فيه خضرات من بقول فوجد لها ريحا فقال قربوها إلى بعض أصحابه وقال كل فإني أناجي من لا تناجي (متفق عليه)

56. **Meqdam-b-Ma'di Kareb** reported from the Prophet who said : Measure your food so that you may get blessing therein. —*Bukhari.*

عن المقدام بن معد يكرب عن النبي صلى الله عليه وسلم قال كيلوا طعامكم يبارك لكم فيه (البخاري)

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767. To take garlic and onion is not commendable according to the Prophet as they give out air from mouth which is detestable to other men. So those who mix with men or join congregational prayers should not take such things.

57. **Ummul-Munzir** reported : The Messenger of Allah came to me accompanied by Ali. We had dry dates which were hung up. Then the Messenger of Allah began to eat and Ali also was eating with him. The Messenger of Allah said : Stop, O Ali ! you have recently come round. She said : Then I prepared 'Salq' and wheat for them. The Prophet said : O Ali ! take from this, because it will be more agreeable to you.

—*Ahmad, Tirmizi, Ibn Majah.*

عن ام المنذر قالت دخل علي رسول الله صلى الله عليه وسلم ومعه علي ولنا دوال معلقة فجعل رسول الله صلعم يأكل وعلي معه يأكل فقال رسول الله صلعم لعلي مه يا علي فإنك ناقة قالت فجعلت لهم سلقا وشعيرا فقال النبي صلعم يا علي من هذا فأصب فإنه أوفق لك

(احمد والترمذي وابن ماجة)

58. **Anas** reported that the remainder (of food) used to satisfy the Messenger of Allah.[768] *Tirmizi, Baihaqi.*

عن انس قال كان رسول الله صلعم يعجبه الثفل (الترمذي والبيهقي)

59. **Ibn Abbas** reported : The most favourable food to the Messenger of Allah was 'Sarid' of bread and 'Sarid' of Hais.[769] —*Abu Daud.*

عن ابن عباس قال كان احب الطعام الى رسول الله صلى الله عليه وسلم الثريد من الخبز والثريد من الحيس (ابوداود)

60. **Abu Osaid-al-Ansari** reported that the Messenger of Allah said : Eat olive oil and besmear yourselves therewith, because it comes from the blessed tree.

—*Tirmizi, Ibn Majah.*

عن ابي اسيد الانصاري قال قال رسول الله صلى الله عليه وسلم كلوا الزيت وادهنوا به فانه من شجرة مباركة

(الترمذي وابن ماجة)

61. **Umme Hani** reported : The Prophet came to me and

عن ام هانئ قالت دخل علي النبي

768. The Holy Prophet out of sheer good conduct allowed his family members, guests and needy people to take food first, and then he took his meal. He always placed the needs of men above the needs of his own in all his affairs. This shows that his life was a dedicated one to the service of the Lord and His creatures.

769. Sarid is a soup which is taken with bread, and Hais is a kind of food which is prepared with dry grapes and flour.

said : Have you got anything with you ? I said : Nothing except dry loaf and vinegar. He said : Bring what the house has got of lentils with vinegar therein. —*Tirmizi*, (*Approved*, *Rare*)

صلعم فقال اعندك شيء قلت لا الا خبز يابس وخل فقال هاتي ما اقفر بيت من ادم فيه خل الترمذي (حسن غريب)

62. **Usuf-b-Abdullah-b-Salam** reported : I saw the Prophet taking a piece from a loaf of wheat, and then he placed a date thereon and said : This is the lentil of this. Then he ate. —*Abu Daud.*

عن يوسف بن عبد الله بن سلام قال رأيت النبي صلى الله عليه وسلم اخذ كسرة من خبز الشعير فوضع عليها تمرة فقال هذه ادام هذه واكل (ابو داود)

63. **Sa'ad** reported : I fell sick. The Prophet came to me to visit me in illness and placed his hand between my two chests, till I felt its coldness on my heart. He said : You are a man of sympathetic heart. Bring Hares-b-Kaladah,[770] brother of Saqif, because he is a man who treats medically. Let him take seven dates from the best dates of Medina, and let them be broken with their stones and let them be put to your mouth. —*Abu Daud*

عن سعد قال مرضت مرضا اتاني النبي صلى الله عليه وسلم يعودني فوضع يده بين ثديي حتى وجدت بردها على فؤادي وقال انك رجل مفؤد ائت الحارث بن كلدة اخا ثقيف فانه رجل يتطبب فلياخذ سبع تمرات من عجوة المدينة فليجأهن بنواهن ثم ليلدك بهن (ابو داود)

64. **Ayesha** reported that the Prophet used to eat melon with fresh dates. —*Tirmizi.*

عن عائشة ان النبي صلعم كان ياكل البطيخ بالرطب (الترمذي)

65. **Aans** reported that an old date was brought to the Prophet. He began to examine it and take out worms therefrom. —*Abu Daud.*

عن انس قال اتي النبي صلى الله عليه وسلم بتمر عتيق فجعل يفتشه ويخرج السوس منه (ابو داود)

770. Ibn Kaldah was a polytheist physician. Prophet called him for Sa'ad. It appears from this that the advice of physicians and medical men irrespective of creed and religion may be followed in times of disease

66. **Ibn Omar** reported that cheese was taken to the Prophet at Tabuk. He called for a knife and then uttered 'Bismillah' and cut it.

—Abu Daud.

عن ابن عمر قال اتى النبي صلى الله عليه وسلم بجبنة في تبوك فدعا بالسكين فسمى وقطع (ابو داود)

67. **Salman** reported: The Messenger of Allah was asked about ghee and cheese and chest-nut. He said: A lawful thing is what Allah made lawful in His book, and an unlawful thing is what Allah made unlawful in His book, and what He remained silent from—that is of what He pardoned.

—Ibu Majah, Tirmizi (Rare).

عن سلمان قال سئل رسول الله صلى الله عليه وسلم عن السمن والجبن والفراء فقال الحلال ما احل الله في كتابه والحرام ما حرم الله في كتابه وما سكت عنه فهو مما عفا عنه ابن ماجة والترمذي (غريب)

68. **Ibn Omar** reported that the Messenger of Allah said: I like that I should get a white loaf of coloured flour, flavoured with ghee and milk. A man from the tribe got up and prepared it and took it to him. He said: In what thing did it exist? He said: In the skin of a lizard. He said: Take it off.[771]

—Abu Daud, Ibn Majah (Unknown).

عن ابن عمر قال قال رسول الله صلى الله عليه وسلم وددت ان عندي خبزة بيضاء من برة سمراء ملبقة بسمن ولبن فقام رجل من القوم فاتخذه فجاء به فقال في اي شيء كان هذا قال في عكة ضب قال ارفعه ابو داود وابن ماجة (منكر)

69. **Ali** reported that the Messenger of Allah forbade to eat garlic except when cooked.

Tirmizi, Abu Daud

عن علي قال نهى رسول الله صلى الله عليه وسلم عن اكل الثوم الا مطبوخا (الترمذي وابوداود)

70. **Abu Jiyad** reported that Ayesha was questioned about onion. She said: Verily the last food eaten by the Prophet was a food wherein there was onion.

—Abu Daud.

عن ابي زياد قال سئلت عائشة عن البصل فقالت ان اخر طعام اكله رسول الله صلى الله عليه وسلم طعام فيه بصل (ابوداود)

71. **Sons of Bosr** reported: The Prophet came to us, and

عن ابني بسر قال دخل علينا رسول الله

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771. There are three kinds of food-lawful, unlawful, and neither lawful nor unlawful. The third thing is permitted, but in using this third kind of thing,* one must rely on his taste. If it is distasteful to him, he should not take it as it will injure his health.

cream and dates were placed (before him). He used to like cream and dates. —*Abu Dawd.*

صلى الله عليه وسلم فقدمنا زبدا وتمرا وكان يحب الزبد والتمر (ابو داود)

72. **Ayesha** reported: When the family members of the Prophet were attacked with high fever, he ordered for 'hasa'a' food. Then it was prepared. He ordered them and they took food therefrom. He used to say: It surely gives strength to the heart of the sorrowful and removes grief from the heart of the sickman, just as any of you removes dirt from her face with water. —*Tirmizi* (*Approved, Correct*).

عن عائشة قالت كان رسول الله صلعم اذا اخذ اهله الوعك امر بالحساء فصنع ثم امرهم فحسوا منه وكان يقول انه ليرتو فؤاد الحزين ويسرو عن فؤاد السقيم كما تسرو احداكن الوسخ بالماء عن وجهها

الترمذي (حسن صحيح)

73 **Abu Hurairah** reported that the Messenger of Allah said: The best kind of dates is from paradise and there is cure therein of poison. Truffle is of manna and its water is a cure for the eye. —*Tirmizi.*

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم العجوة من الجنة وفيها شفاء من السم والكماة من المن وماؤها شفاء للعين

(الترمذي)

74. **Anas-b-Malek** reported that the Messenger of Allah said: The chief of your condiments is salt. — *Ibn Majah*

عن انس بن مالك قال قال رسول الله صلى الله عليه وسلم سيد اداميكم الملح

(ابن ماجة)

274w. **Ayesha** reported that the Messenger of Allah wished to purchase a boy. So he cast a date in his presence and the boy then ate and ate too much. The Messenger of Allah said: Verily too much eating brings misfortune. He ordered for his return. —*Baihaqi.*

عن عائشة ان رسول الله صلى الله عليه وسلم اراد ان يشتري غلاما فالقى بين يديه تمرا فاكل الغلام فاكثر فقال رسول الله صلعم ان كثرة الاكل شؤم وامر برده

(البيهقي)

SECTION 3.

772. Drink.

(a) Drink essential. Drink is essentially necessary for everything in the world as without it nothing can live. Plants die without watery nurishment. Man is also not free from that law The Quran says : And Allah created every living thing from water (24 : 45 Q).

(b) Manner of Drink. Drinking should always be made in sitting posture and not in standing or lying condition. The Holy Prophet prohibited it (11 : 78). Before drinking, the name of Allah should be taken by uttering, "In the name of Allah, the Most Merciful and Beneficent," and after drink the Almighty Allah should be praised by saying "All praise is for Allah, the Lord of the worlds (11 : 89). At the time of actual drink, no breath should be thrown into the cup or vessel (7 : 44, 11 : 88) and generally water should be taken in three breaths (11 : 75). Drink during actual eating should be avoided as far as possible. This will be a finishing touch to meal.

(c) Kinds of drink. There are various kinds of drink in the world, some are lawful and some unlawful. Of the lawful drinks, the Holy Prophet loved sweet cold drink very much (11 : 93). The drink of milk and honey were also greatly in favour with him. The usefulness of milk both as drink and food has been guaranteed by the Quran. "And We give you to drink of what is in their bellies from between the faces and blood-pure milk very agreeable for those who drink—16 : 66 Q.

(d) Drinking of juice of fruits and leaves. With regard to punishment and sin of unlawful drinks such as wine and other intoxicating liquors, they have been dealt with in notes 1218 and 1219. Anything intoxicating is unlawful. The Quran says : And they ask you about intoxicants and games of chance. Say : In both of them, there is a great sin, and means of profit for men, and their sin is greater than their profit (2 : 219 Q). This word was sufficient enough to abolish the age-long custom of the Arabs in drinking intoxicants. It is said that when wine was prohibited, the streets of Medina were flooded with wines and bottles. There are four prohibited intoxicants. (1) Khamar *i.e.* crude juice of the grapes which being fermented becomes intoxicating. Khamar is produced from two trees, namely vine and date. It is unlawful in its small and great quantities. It

is also unlawful to derive any use from Khamar (wine) either as a medicine or in any other manner because the use of filth is forbidden. (2) The second prohibited liquor is the boiled juice of grapes called Bazik and Monissaf. The juice of grapes when boiled until a quantity less than ⅔rds evaporate is called Bazik, and when it is evaporated to the extent of one half, it is called Monissaf. The third kind of prohibited liquor is Sikker and is made by steeping fresh dates in water until they take effect in sweetening it. The fourth kind is Nookoo Zabeeb which is a water in which raisins are steeped until it becomes sweet. This is prohibited only when it becomes spirituous.

See Hedayah for details.

Contents. Drink and eating in cups and plates of gold or silver is unlawful—11 : 82, 83 ; silk dress is unlawful—11 : 83 ;

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75. **Anas** reported that the Messenger of Allah used to take breath thrice in a drink. *Agreed upon it.* Muslim added in a narration : He used to say that it is highly thirst-removing, most conducive to health and most digestive.

عَنْ اَنَسٍ قَالَ كَانَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ يَتَنَفَّسُ فِي الشَّرَابِ ثَلٰثًا مُتَّفَقٌ عَلَيْهِ وَزَادَ مُسْلِمٌ فِي رِوَايَةٍ وَيَقُوْلُ اِنَّهُ اَرْوٰى وَاَبْرَءُ وَاَمْرَءُ

76. **Ibn Abbas** reported that the Messenger of Allah prohibited drinking from the mouth of skin-carrier.
—*Agreed.*

عَنِ ابْنِ عَبَّاسٍ قَالَ نَهٰى رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ عَنِ الشُّرْبِ مِنْ فِي السِّقَاءِ (مُتَّفَقٌ عَلَيْهِ)

77. **Abu Sayeed-al-Khodri** reported that the Messenger of Allah forbade drinking by upsetting the water-pots. And he added in a narration : And its upsetting is to supset its head and then to take drink from it. —*Agreed.*

عَنْ اَبِي سَعِيْدِ نِالْخُدْرِيِّ قَالَ نَهٰى رَسُوْلُ اللّٰهِ صلعم عَنْ اِخْتِنَاثِ الْاَسْقِيَةِ وَزَادَ فِي رِوَايَةٍ وَاخْتِنَاثُهَا اَنْ يُقْلَبَ رَاْسُهَا ثُمَّ يُشْرَبَ مِنْهُ (مُتَّفَقٌ عَلَيْهِ)

78. **Anas** reported from the Prophet that he prohibited a man's drinking in standing.
—*Muslim.*

عَنْ اَنَسٍ عَنِ النَّبِيِّ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ اَنَّهُ نَهٰى اَنْ يَشْرَبَ الرَّجُلُ قَائِمًا (مُسْلِمٌ)

79. **Abu Hurairah** reported that the Messenger of Allah said: None of you shall drink standing. Whoever forgets, let him vomit. —*Muslim.*

عن ابي هريرة قال قال رسول الله صلى الله عليه لا يشربن احد منكم قائما فمن نسي فليستقئ (مسلم)

80. **Ibn Abbas** reported: I came to the Prophet with a bucket of Zamzam water. He drank it while he was standing. —*Agreed.*

عن ابن عباس قال اتيت النبي صلى الله عليه وسلم بدلو من ماء زمزم فشرب وهو قائم (متفق عليه)

81. **Ali** reported that he said his early noon-prayer and afterwards he took his seat in the midst of the engagements of men in a corner of Kufah till there came the after-noon prayer. Then water was brought to him and he drank and washed his face and hands and rubbed his head and two legs. Afterwards he got up and drank its surplus water in standing. Then he said: Verily men dislike drinking of water standing, and verily the Prophet did like what I have done.[773] —*Bukhari.*

عن علي انه صلى الظهر ثم قعد في حوائج الناس في رحبة الكوفة حتى حضرت صلوة العصر ثم اتي بماء فشرب وغسل وجهه ويديه وذكر راسه ورجليه ثم قام فشرب فضله وهو قائم ثم قال ان ناسا يكرهون الشرب قائما وان النبي صلى الله عليه وسلم صنع مثل ما صنعت (البخاري)

82. **Umme Salamah** reported that the Messenger of Allah said: Whoever drinks in silver cup, the hell-fire will flow in his belly with noise.[774] —*Agreed.*

(In a narration of Muslim: He who eats and drinks in a cup of silver and gold).

عن ام سلمة ان رسول الله صلى الله عليه قال الذي يشرب في انية الفضة انما يجرجر في بطنه نار جهنم متفق عليه وفي رواية لمسلم ان الذي يأكل ويشرب في انية الفضة والذهب

773. There are conflicting traditions regarding drinking of water in a standing posture. The theologians excepted only these two cases of drink—drink of Zamzam water and ablution water from the general rule-"none shall drink water standing".

774. It is the unanimous opinion of all the Imams and theologians that

83. **Huzaifah** reported: I heard the Messenger of Allah say: Put on no silk and no embroidered silk, and drink not in cups of gold and silver, and take no food in plates made thereof, because they are for them (unbelievers) in this world and they are for you in the next world. —*Agreed.*

عن حذيفة قال سمعت رسول الله صلى الله عليه وسلم يقول لا تلبسوا الحرير ولا الديباج ولا تشربوا في آنية الذهب والفضة ولا تأكلوا في صحافها فانها لهم في الدنيا وهي لكم في الآخرة (متفق عليه)

84. **Anas** reported: A domestic goat for the Messenger of Allah was milked and its milk was mixed with water of the well which was at the house of Anas. The cup was then given to the Messenger of Allah and he drank. Abu Bakr was on his left and a desert Arab on his right side. Omar said: O Messenger of Allah! give to Abu Bakr. He gave (it) to the desert Arab who was on his right side. Afterwards he said: The right hand is for the right hand man. (And in a narration: the right-hands are for right-hand men. So take to right-hand side. —*Agreed.*

عن انس قال حلبت لرسول الله صلى الله عليه وسلم شاة داجن وشيب لبنها بماء من البئر التي في دار انس فاعطى رسول الله صلعم القدح فشرب وعلى يساره ابوبكر وعن يمينه اعرابي فقال عمر اعط ابا بكر يا رسول الله فاعطى الاعرابي الذي على يمينه ثم قال الايمن فالايمن وفي رواية الايمنون الايمنون فيمنوا (متفق عليه)

85. **Sahl-b-Sa'ad** reported that a cup was brought to the Prophet who took a drink therefrom; and there was a boy on his right side who was youngest of the people (present) and the old men were on his left side. He said: O boy! do you give permission to my giving it to the old men? He replied: O Messenger of Allah, I am not to choose anybody owing to your kindness (to me). So he gave it to him. —*Agreed.*

عن سهل بن سعد قال اتي النبي صلى الله عليه وسلم بقدح فشرب منه وعن يمينه غلام اصغر القوم والاشياخ عن يساره فقال يا غلام اتأذن ان اعطيه الاشياخ فقال ما كنت لاوثر بفضل منك احدا يا رسول الله فاعطاه اياه (متفق عليه)

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it is unlawful in Islam to take food and drink in plates or cups of gold or silver. These vessels for any use whatsoever are strictly prohibited. Thus utmost simplicity in a Muslim's life has been introduced. For a traveller in a life-journey, those things are not at all necessary, but on the contrary they put forward temptations to others for the vices of theft, docoity and robbery.

86. **Ibn Omar** reported: We used to eat at the time of the Messenger of Allah while we were walking, and take drink while we were standing.[775]
Ibn Majah, Tirmizi, (Approved, Correct, Rare.)

عن ابن عمر قال كنا نأكل على عهد رسول الله صلعم ونحن نمشي ونشرب ونحن قيام
ابن ماجة والترمذي (حسن صحيح غريب)

87. **Amr-b-Shuaib** reported from his father from his grand-father who said: I saw the Messenger of Allah drinking while standing and sitting.
—*Tirmizi.*

عن عمرو بن شعيب عن أبيه عن جده قال رأيت رسول الله صلى الله عليه وسلم يشرب قائما وقاعدا (الترمذي)

88. **Ibn Abbas** reported that the Messenger of Allah forbade to take breath in drinking pot or to give out breath therein.
—*Abu Daud, Ibn Majah.*

عن ابن عباس قال نهى رسول الله صلى الله عليه وسلم ان يتنفس في الإناء او ينفخ فيه
(ابو داود وابن ماجة)

89. **Same** reported that the Messenger of Allah said: Don't take drink in one breath like the drinking of camel, but take drink twice or thrice and utter Bismillah (in the name of Allah) when you drink and utter 'Alhamdolillah' (all praise is for Allah) when you finish.
—*Tirmizi.*

عنه قال قال رسول الله صلى الله عليه وسلم لا تشربوا واحدا كشرب البعير ولكن اشربوا مثنى وثلث وسموا اذا انتم شربتم واحمدوا اذا انتم رفعتم (الترمذي)

90. **Abu Sayeed-al-Khodri** reported that the Prophet prohibited puffing off breath in drink. A man said: I find a dirt in the pot. He said: Throw it off. He said: Verily I shall not be able to throw it off with one breath. He said: Take the cup to a side from your mouth and then put off breath.
—*Tirmizi*

عن ابي سعيد الخدري ان النبي صلى الله عليه وسلم نهى عن النفخ في الشراب فقال رجل القذاة اراها في الإناء قال اهرقها قال فاني لا اروى من نفس واحد قال فابن القدح عن فيك ثم تنفس (الترمذي)

91. **Same** reported that the Messenger of Allah prohibited drinking from the hole of a cup and blowing breath in drink.
—*Abu Daud.*

عنه قال نهى رسول الله صلى الله عليه وسلم عن الشرب من ثلمة القدح وان ينفخ في الشراب (ابو داود)

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775. This is allowed but it is out of etiquette and rule of society.

92. **Kabshah** reported : The Messenger of Allah came to me and drank standing from the mouth of a hanging water-skin. Then I went towards its mouth and cut it off

—*Ibn Majah, Tirmizi*
(*Approved, Rare, Correct*).

عن كبشة قالت دخل على رسول الله صلى الله عليه وسلم فشرب من في قربة معلقة قائما فقمت الى فيها فقطعته - ابن ماجة - والترمذى (حسن غريب صحيح)

93. **Zuhri** reported from Urwah from Ayesha who said : The best of drinks to the Messenger of Allah was sweet cold drink. —*Tirmizi.*

عن الزهري عن عروة عن عائشة قالت كان احب الشراب الى رسول الله صلعم الحلو البارد (الترمذى)

94. **Ibn Abbas** reported that the Messenger of Allah said : When any of you takes food, let him say : O Allah, give us blessing therein and feed us the best therefrom, and when he drinks milk let him say : O Allah, give us blessing therein and give us increase therefrom, because there is nothing which compensates for food and drink except milk.[776] —*Tirmizi, Abu Daud.*

عن ابن عباس قال قال رسول الله صلعم اذا اكل احدكم طعاما فليقل اللهم بارك لنا فيه واطعمنا خيرا منه واذا سقى لبنا فليقل اللهم بارك لنا فيه وزدنا منه فانه ليس شىء يجزئ من الطعام والشراب الا اللبن (الترمذى وابوداود)

95. **Ayesha** reported that the water of Su'qya was agreeable to the Prophet. It is said that it is a spring; between it and Medina, there are (the distance of) two days. —*Abu Daud.*

عن عائشة قالت كان النبى صلى الله عليه وسلم يستعذب له الماء من السقيا قيل هى عين بينها وبين المدينة يومان (ابوداود)

275w. **Ibn Omar** reported that the Prophet said : Whoever drinks in a cup of gold or silver or in a cup wherein

عن ابن عمران النبى صلى الله عليه وسلم قال من شرب فى اناء ذهب او فضة

776. Milk has got properties of solid food as well as drink. Therefore, it is most conducive for infants at breast who can not digest hard things. The Quran speaks of milk as the best food of human being.

there is something of that, shall only gurgle the fire of hell in his belly. —*Darqutni*

أَوْ إِنَاءٍ فِيهِ شَيْءٌ مِنْ ذَلِكَ فَإِنَّمَا يُجَرْجِرُ فِي بَطْنِهِ نَارَ جَهَنَّمَ (الدارقطني)

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SECTION 4

777. Drinks of Grape or date juice

Naqi is a kind of drink prepared with dates or grapes or dried grapes which are kept drenched in water without being cooked. This kind of drink conduces to the health of the body. Drink with 'khorma' helps digestion. Drink with grape-juice removes heat of the body and has got cooling effect. Nabiz is the above kind of drink, but it is prepared in such a way that its colour becomes changed. It is usually the result of dates or grapes being drenched in water for at least 3 days. Such kind of drink gives strength to the body and preserves health. It can be prepared from other materials. These kinds of drinks are allowed and lawful as they have got no intoxicating effect. It is, however, agreed that a small quantity of anything intoxicating is unlawful. There are three principles to be observed with respect to drink of grape-juice. The first principle is that whatever quantity may run over the pot from the agitation in boiling or from the foaming of the juice is not taken into account and that the residue is to be boiled until ⅔rds of it evaporate in order that the remaining one-third may be rendered lawful. For example, out of ten cups of juice, one cup is lost over the pot and out of remaining 9 cups, 6 cups must be evaported so as to legalise the remaining 3 cups of juice. The second principle is that if water be first poured into the juice it should be evaporated along with the remaining ⅔rds of this quantity in the pot. The remaining ⅓rd will be lawful. The third principle is illustrated in the following example. A person boils ten cups of juice and after one cup has evaporated, three cups more are poured out; then three cups and one-third being multiplied into six, the number which remains after the loss of evaporation and pouring out amounts to twenty, and this sum being divided by nine, there remains two cups and two ninths, the quantity which is lawful when the rest has evaporated. *See* Hedayah for details.

96. **Anas** reported : I have certainly given the Messenger of Allah to drink a cup of this drink which was solely of honey, dates, water and milk.
—*Muslim.*

عن انس قال لقد سقيت رسول الله صلى الله عليه وسلم بقدحي هذا الشراب كله العسل والنبيذ والماء واللبن (مسلم)

97. **Ayesha** reported : We used to prepare 'nabiz' for the Messenger of Allah in a skin whose front portion was kept closed; and it got mouth. We used for him to prepare 'nabiz' at dawn and he used to drink it at night, and we used for him to prepare 'nabiz' at night and he used to drink it at dawn.
—*Muslim.*

عن عائشة قالت كنا ننبذ لرسول الله صلى الله عليه وسلم في سقاء يوكأ اعلاه وله عزلاء ننبذه غدوة فيشربه عشاء وننبذه عشاء فيشربه غدوة (مسلم)

98. **Ibn Abbas** reported that 'nabiz' used to be prepared for the Messenger of Allah by the first part of the night, and he used to drink it when that day dawned upon him and the following night and the morning of another night and the next day up to the after-noon. If anything remained, he used to give it to his servant to drink and ordered it (to be thrown off) and so it was thrown. —*Muslim.*

عن ابن عباس قال كان رسول الله صلى الله عليه وسلم ينبذ له اول الليل فيشربه اذا اصبح يومه ذلك والليلة التي تجيء والغدوة والليلة الاخرى والغد الى العصر فان بقي شيء سقاه الخادم وامر به فصب (مسلم)

99. **Jaber** reported that 'nabiz' used to be prepared for the Messenger of Allah in a water-skin. When they did not find any water-skin, it was prepared in a vessel of iron.
—*Muslim.*

عن جابر قال كان ينبذ لرسول الله صلعم في سقاء فاذا لم يجدوا سقاء ينبذله في تور من حجارة (مسلم)

100. **Boraidah** reported that the Messenger of Allah said : I prohibited you (to drink) from reservoirs of skin, because the reservoirs of skin can not make a thing lawful, nor can make it unlawful, and every intoxicant is unlawful. (In another narration, he said : I prohibited you from drinks except in reservoirs of skin. So drink in every pot except that you shall not drink intoxicants. —*Muslim.*

عن بريدة ان رسول الله صلى الله عليه وسلم قال نهيتكم عن الظروف فان الظروف لا يحل شيئا ولا يحرمه وكل مسكر حرام وفي رواية قال نهيتكم عن الاشربة الا في ظروف الادم فاشربوا في كل وعاء غير ان لا تشربوا مسكرا (مسلم)

101. **Abu malek al-Asha'ri** reported that he heard the Messenger of Allah say: Some of my people will certainly drink wine which they will give a name other than its name. —*Abu Daud, Ibn Majah.*

عَنْ أَبِي مَالِكٍ الْأَشْعَرِيِّ أَنَّهُ سَمِعَ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَقُولُ لَيَشْرَبَنَّ نَاسٌ مِنْ أُمَّتِي الْخَمْرَ يُسَمُّونَهَا بِغَيْرِ اسْمِهَا
(ابو داود و ابن ماجة)

102 **Abdullah-b-Abi Aufa** reported that the Messenger of Allah prohibited 'nabiz' drink from green vessel. I enquired: Shall I drink in white (vessel)? He said: No. —*Bukhari.*

عَنْ عَبْدِ اللهِ بْنِ أَبِي أَوْفَى قَالَ نَهَى رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنْ نَبِيذِ الْجَرِّ الْأَخْضَرِ قُلْتُ أَنَشْرَبُ فِي الْأَبْيَضِ قَالَ لَا
(البخاري)

SECTION 5

778. Hygienic rules for food

Note 542 deals with health and hygiene. This note is concerned only with hygienic rules for food and drink. The Holy Prophet as a world-teacher did not leave this question unsolved. He ordered us to keep our utensils of food and drinking jars and pots covered at all times and specially at night. This is of inestimable value from sanitary point of view as many worms or flies carrying germs of various diseases may fall in water unnoticed and undetected. Modern medical opinion also lays special stress upon the covering of utensils and jars and articles of food. Owing to the neglect of this instruction said by the illiterate Prophet 14 hundred years ago, the Muslims mostly fall victims to infectious diseases. They should remember that their beloved Master taught them even the minutest thing necessary in respect of clean eating, clean drinking, clean dressing, clean appearance and clean habits of all kinds. These habits of cleanliness will lead to cleanliness of mind which will ultimately take us to the goal. So great an emphasis was laid on this question that he said that there is a night in each year in which epidemic comes down and it falls down in a vessel or a jar upon which there is no covering.

103. **Jaber** reported that the Messenger of Allah said: When darkness of the night appears or you enter into evening, keep your children within (doors) because the devil spreads at that time. When one hour of the night passes, let them be free and shut up the doors and take the name of Allah, because the devil does not open up a closed door. And shut up the mouths of your reservoirs and take the name of Allah, and cover your vessels and take the name of Allah though you have placed something upon it, and extinguish your lights. *Agreed upon it.* And in narration of Bukhari, he said: Cover the utensils and shut up the jars of drinking water and close the doors and keep your children within in the evening because there is spread and attack of the ginn and put out the lights at the time of sleep, because the mouses often draw out the candle-threads and burn the inmates of the house. *And in a narration of Muslim, he said*: Cover the vessels and drinking jars, shut up the doors, and put out the lights because the devil does not think it lawful to take drink, nor does open a door, nor uncover a vessel. If any of you does not find but a (piece of) wood to put it upon his vessel, let him do it and remember Allah, because mouses roam about the house upon the inmates of the house. *In another narration of him, he reported*: Don't send your quadruped animals and your children when the sun sets in, till the first part of night disappears, because the devil roams about when the sun sets in, till the first part of night

عَنْ جَابِرٍ قَالَ قَالَ رَسُولُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ
وَسَلَّمَ اِذَا كَانَ جُنْحُ اللَّيْلِ اَوْ اَمْسَيْتُمْ فَكُفُّوا
صِبْيَانَكُمْ فَاِنَّ الشَّيْطٰنَ يَنْتَشِرُ حِيْنَئِذٍ فَاِذَا ذَهَبَ
سَاعَةٌ مِنَ اللَّيْلِ فَخَلُّوهُمْ وَاَغْلِقُوا الْاَبْوَابَ
وَاذْكُرُوا اسْمَ اللّٰهِ فَاِنَّ الشَّيْطٰنَ لَا يَفْتَحُ بَابًا
مُغْلَقًا وَاَوْكُوا قِرَبَكُمْ وَاذْكُرُوا اسْمَ اللّٰهِ وَخَمِّرُوا
اٰنِيَتَكُمْ وَاذْكُرُوا اسْمَ اللّٰهِ وَلَوْ اَنْ تَعْرُضُوا عَلَيْهِ شَيْئًا
وَاَطْفِئُوا مَصَابِيْحَكُمْ (مُتَّفَقٌ عَلَيْهِ) وَفِيْ رِوَايَةٍ
لِلْبُخَارِيِّ قَالَ خَمِّرُوا الْاٰنِيَةَ وَاَوْكُوا الْاَسْقِيَةَ
وَاَجِيْفُوا الْاَبْوَابَ وَاكْفِتُوا صِبْيَانَكُمْ عِنْدَ
الْمَسَاءِ فَاِنَّ لِلْجِنِّ انْتِشَارًا وَخَطْفَةً وَاَطْفِئُوا
الْمَصَابِيْحَ عِنْدَ الرُّقَادِ فَاِنَّ الْفُوَيْسِقَةَ رُبَّمَا
اجْتَرَّتِ الْفَتِيْلَةَ فَاَحْرَقَتْ اَهْلَ الْبَيْتِ وَفِيْ
رِوَايَةٍ لِمُسْلِمٍ قَالَ غَطُّوا الْاِنَاءَ وَاَوْكُوا السِّقَاءَ
وَاَغْلِقُوا الْاَبْوَابَ وَاَطْفِئُوا السِّرَاجَ فَاِنَّ الشَّيْطٰنَ
لَا يَحِلُّ سِقَاءً وَلَا يَفْتَحُ بَابًا وَلَا يَكْشِفُ اِنَاءً فَاِنْ لَمْ
يَجِدْ اَحَدُكُمْ اِلَّا اَنْ يَعْرُضَ عَلٰى اِنَائِهِ عُوْدًا وَيَذْكُرُ
اسْمَ اللّٰهِ فَلْيَفْعَلْ فَاِنَّ الْفُوَيْسِقَةَ تُضْرِمُ عَلٰى اَهْلِ
الْبَيْتِ بَيْتَهُمْ (وَفِيْ رِوَايَةٍ لَهُ) قَالَ لَا تُرْسِلُوا
مَوَاشِيَكُمْ وَصِبْيَانَكُمْ اِذَا غَابَتِ الشَّمْسُ حَتّٰى
تَذْهَبَ فَحْمَةُ الْعِشَاءِ فَاِنَّ الشَّيْطٰنَ يَبْعَثُ

disappears. *In his another narration he said*: Cover the utensils and shut up the drinking jars, because thereis a night in a year in which epidemic comes down It does not pass by any vessel on which there is no covering, or by any drinking jar on which there is no pot but it comes down therein from that epidemic.[779]

إذا غابت الشمس حتى تذهب فحمة العشاء (وفي رواية له) قال غطوا الاناء واوكوا السقاء فان في السنة ليلة ينزل فيها وباء لا يمر باناء ليس عليه غطاء او سقاء ليس عليه وكاء الا نزل فيه من ذلك الوباء

104. **Jaber** reported that Abu Humaid—a man of the Ansars—came from Naqi with a pot of milk to the Prophet The Prophet said : Why have you not covered it although by placing a wood thereon ? —*Agreed.*

عن جابر قال جاء ابو حميد رجل من الانصار من النقيع باناء من لبن الى النبي صلعم فقال النبي صلعم الا خمرته ولو ان تعرض عليه عودا (متفق عليه)

105. **Ibn Omar** reported from the Prophet : Don't leave fire in your houses while you sleep.

—*Agreed.*

عن ابن عمر عن النبي صلى الله عليه وسلم قال لا تتركوا النار في بيوتكم حين تنامون (متفق عليه)

106. **Abu Musa** reported that a house at Medina was burnt over his family at night (by fire). The Prophet was informed of this matter. He said : Surely this fire—this it is that is an enemy for you. So when you sleep, put it out from you.

—*Agreed.*

عن ابي موسى قال احترق بيت في المدينة على اهله من الليل فحدث بشانه النبي صلعم قال ان هذه النار انما هي عدو لكم فاذا نمتم فاطفئوها عنكم (متفق عليه)

779. There is the injunction of putting out lights at night at the time of going to bed, because fire may be handled by roaming animals at night and thus the whole house or something of its contents may be set ablaze with fire causing irreparable loss of lives and properties. If, however, fire or light is well-protected from being handled, it is not necessary to be put out. The Holy Prophet did not leave the ordinary rules of hygiene untouched. He laid great emphasis for covering of utensils, vessels and jars, because many epidemics may break out from water or other things in vessels which may be handled by roaming animals and flies in which there is disease.

107. **Ibn Abbas** reported that a rat came drawing a candle and threw it in presence of the Messenger of Allah upon a mat of palm tree on which he was then sitting. Then something was burnt therefrom like the place of a dirham. So he said : When you sleep, put up your lamps, because the devil may set you like this upon this and then may burn you. —*Abu Daud.*

عن ابن عباس قال جاءت فارة تجر الفتيلة فالقتها بين يدي رسول الله صلى الله عليه وسلم على الخمرة التي كان قاعدا عليها فاحرقت منها مثل موضع الدرهم فقال اذا نمتم فاطفئوا سرجكم فان الشيطان يدل مثل هذه على هذه فيحرقكم (ابو داود)

108. **Abu Hurairah** reported that the Messenger of Allah said : When a fly falls in pot of some one of you, let him immerge it entirely and then throw it off because there is cure in one of its wings and disease in another.[780] *Bukhari.*

عن ابي هريرة ان رسول الله صلعم قال اذا وقع الذباب في اناء احدكم فليغمسه ثم ليطرحه فان في احد جناحيه شفاء وفي الاخر داء (البخاري)

109. **Abu Hurairah** reported that the Messenger of Allah said : When a fly falls in the utensil of some one of you, then immerge it, because there is disease in one of its wings and cure in another, and also because it first throws its wing wherein there is disease. So immerge it entirely. —*Abu Daud.*

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم اذا وقع الذباب في اناء احدكم فامقلوه فان في احد جناحيه داء وفي الاخر شفاء فانه يتقي بجناحه الذي فيه الداء فليغمسه كله (ابوداود)

277w. **Abu Sayeed-al-Khodri** reported from the Messenger of Allah who said : When a fly falls in food drown it, because

عن ابي سعيد ن الخدري عن النبي صلى الله عليه وسلم قال اذا وقع الذباب في

780. Owing to diseases that are in the wings of flies, the Holy Prophet instructed men to cover their vessels and utensils. It would not have come from the Prophet had the bees and flies would not have carried germs of diseases. This is the opinion also of the modern medical men after a lapse of 14 hundred years.

الطعام فامقلوه فإن في أحد جناحيه سما وفي الآخر شفاء فإنه يقدم السم ويؤخر الشفاء (شرح السنة)

there is poison in one of its wings and cure in another, and also because it takes out poison first and then cure last.

Sharhi-Sunnat.

SECTION 6

781. Unlawful food

(*a*) *Halal, Haram, Makruh, Mubah.* The great principle for knowing what is lawful and what is unlawful in food is that what the Quran and Hadis prohibited is unlawful and what is besides that is lawful. There are certain things which have not been expressly permitted or prohibited. These are doubtful things (شبهات). These are considered as Mubah or simply lawful (11 : 135). There are two things introduced by jurists between lawful and unlawful things: One Mubah near the lawful thing and another Makruh (abominable) near the unlawful thing but nevertheless lawful. The abominable things being near unlawful things should be avoided as far as possible by pious Muslims, as none should even go to the neighbourhood of the places of destruction and epidemics. In that case, there is but little space to fall into illegality. The pious Muslims should not go even to the border line of illegality. The 'Mubah' things are lawful and can be taken if health, constitution and climate permit. *See page 50 of the Introduction.*

(*b*) *Causes of prohibition and permission.* Retrogression and progress of soul is the chief cause for prohibition and permission of things. There can be no gainsaying the fact that the effect of food and drink upon the body and temperaments is wonderful. The medical men therefore prescribe special diets for patients, so that indiscriminate diet may not injure the body. Different things have got different properties for different uses according to the requirements of men, and they have naturally got different effects on body. The Almighty Allah knows our constitution perfectly well and He knows how to keep it best in health. As soundness of mind depends on soundness of body, therefore food and drink may be said to be one of the principle causes which lead a man to vice and virtue. The control of food and drink is the control of the vices and promo-

tion of virtues. It is therfore seen that carnivorous animals are more ferocious than herbivorous animals. Among men, it is found that those who live on vegetables are generally coward and cool-tempered, while those who live on meat of animals are courageous, brave and hot-tempered. The Almighty Allah and His Prophet therefore presented such food for men as are conducive to them from a temporal and religious point of view. This is also the reason why lawful food, unlawfully acquired, has been made unlawful, as it greatly affects the moral tendency of a man.

(c) *Unlawful foods.* The following foods and things have been expressly prohibited by the Quran and Hadis.

i. Food on which Allah's name is not taken or meat of a lawful animal or bird which is not slaughtered over the name of Allah. The Quran says: And don't eat of that on which Allah's name has not been mentioned. That is surely a transgression—6 : 122 Q; *ii.* Everything which is offered to idols. *iii.* All animals which die of themselves without slaughter in the name of Allah. These include also animals strangled to death, or beaten to death, or killed by a fall, or attacked by horns and killed, or torn to death by beasts. *iv.* All bloods flowing. *v.* All beasts and birds of prey; all quardrupeds that seize prey with teeth, and all birds which seize it with their talons, *viz,* foxes, hyenas, elephants, weasels, kites, crows, ravens, crocodiles, insects, domestic asses, mules, swines and men. *vi.* All unclean things redugnant to health and morality, *viz,* dogs, cats, mules, horses, asses, lizards, swines etc. In support of these the following Quranic verses are quoted. Forbidden to you is that which dies of itself, and blood, and flesh of swine, and that on which any other than Allah has been invoked, and the strangled animal, and that beaten to death, and that killed by a fall, and that killed by being smitten with horn, and that which wild beasts have eaten except what you slaughter (5 : 3 Q.). There is a reservation in case of extreme necessity, such as possibility of death for want of food. In that circumstance a small quantity of unlawful things which can barely save life becomes lawful. The Quran recites : But whoever is driven to necessity, not desiring, nor exceeding the limit, no sin shall be upon him (2 : 173 Q).

References. Hadis—3 : 41 ; 6 : 83, 86, 140, 158 ; 7 : 29, 74 ; 11 :, 270 w, 100, 102.

110. **Abu Hurairah** reported that the Messenger of Allah said: Every beast having attacking tooth is unlawful for food. —*Muslim.*

عن ابى هريرة قال قال رسول الله صلعم كل ذى ناب من السباع فاكله حرام (مسلم)

111. **Ibn Abbas** reported that the Messenger of Allah prohibited every beast having attacking tooth, and every bird having attacking claws.[782] —*Muslim.*

عن ابن عباس قال نهى رسول الله صلعم عن كل ذى ناب من السباع وكل ذى مخلب من الطير (مسلم)

112. **Abu Sa'labah** reported that the Messenger of Allah made unlawful meat of domestic asses.[783] —*Agreed.*

عن ابى ثعلبة قال حرم رسول الله صلى الله عليه وسلم لحوم الحمر الاهلية (متفق عليه)

113. **Jaber** reported that the Messenger of Allah prohibited on the day of Khaiber meat of domestic asses and he gave permission about meat of horse.[784] —*Agreed.*

عن جابر ان رسول الله صلى الله عليه وسلم نهى يوم خيبر عن لحوم الحمر الاهلية واذن فى لحوم الخيل (متفق عليه)

114. **Abu Qatadah** reported that he saw a wild ass and slaughtered it. The Prophet said: Have you got anything out of its meat with you? He replied: With us is its leg. Then he took and ate it. —*Agreed.*

عن ابى قتادة انه راى حمارا وحشيا فعقره فقال النبى صلعم هل معكم من لحمه شيء قال معنا رجله فاخذها فاكلها (متفق عليه)

115. **Ibn Omar** reported that the Messenger of Allah prohibited eating of filthy animals and their milk. —*Tirmizi.*

And in a narration of Abu Daud, he said that he prohibited riding on filthy animals.

عن ابن عمر قال نهى رسول الله صلى الله عليه وسلم عن اكل الجلالة والبانها (الترمذى) — وفى رواية ابى داود قال نهى عن ركوب الجلالة

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782. These are lions, tigers, leopards, jackals etc. which hunt and attack by teeth. Others are hawks, kites etc. which attack with claws.

783. Meat of wild asses is allowed and lawful according to the unanimous opinion of all Imams and jurists, but meat of domestic asses is not lawful.

784. All the Imams and jurists except Imams Abu Hanifa and Malek, hold this opinion. The latter two hold it lawful in cases of emergency such as in wars and battles but not in ordinary times. The op. camp relies on hadis no. 119.

116. **Abdur Rahman-b-Shibl** reported that the Prophet prohibited eating the meat of lizard. —*Abu Daud.*

عن عبد الرحمن بن شبل ان النبي صلعم نهى عن اكل لحم الضب (ابوداود)

117. **Jaber** reported that the Prophet prohibited eating cat and taking its price. —*Abu Daud, Tirmizi.*

عن جابر ان النبي صلى الله عليه وسلم نهى عن اكل الهرة واكل ثمنها (ابوداود والترمذي)

118. **Same** reported that the Messenger of Allah made unlawful (that is) on the day of Khaiber domestic asses, meat of mules, every beast having hunting tooth and every bird having hunting claws. —*Tirmizi* (*Rare*).

عنه قال حرم رسول الله صلى الله عليه وسلم يعني يوم خيبر الحمر الانسية ولحوم البغال وكل ذي ناب من السباع وكل ذي مخلب من الطير الترمذي (غريب)

119. **Khaled-b-Walid** reported that the Messenger of Allah prohibited eating of the meat of horses, mules and asses. —*Abu Daud, Nisai.*

عن خالد بن الوليد ان رسول الله صلى الله عليه وسلم نهى عن اكل لحوم الخيل والبغال والحمير (ابوداود والنسائي)

120. **Khaled-b-Walid** reported: I fought along with the Prophet on the day of Khaiber. Some Jews came and complained that his people were hastening towards their green dates. The Messenger of Allah said: Behold! it is not lawful to take the properties of the people with whom treaty has been made except on account of their dues. —*Abu Daud.*

عن خالد بن الوليد قال غزوت مع النبي صلعم يوم خيبر فاتت اليهود فشكوا ان الناس قد اسرعوا الى حظائرهم فقال رسول الله صلعم الا لا يحل اموال المعاهدين الا بحقها (ابوداود)

121. **Zaher-al-Aslami** reported: Verily I enkindled fire beneath the kettle with meat of asses when the proclaimer of the

عن زاهر الاسلمي قال اني لاوقد تحت القدور بلحوم الحمر اذ نادى منادي رسول

prophet proclaimed : The Messenger of Allah prohibited you from eating meat of asses. —*Bukhari.*

اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ اِنَّ رَسُوْلَ اللهِ يَنْهٰكُمْ عَنْ لُحُوْمِ الْحُمُرِ (اَلْبُخَارِى)

122. **Abu Waqed Laisi** reported that the Prophet came to Medina and they had a liking for humps of camels and for cutting the tails of sheep. He said : What is taken off from animals while they are alive is dead. It shall not be eaten. —*Tirmizi, Abu Dawd.*

عَنْ اَبِىْ وَاقِدٍ اللَّيْثِىْ قَالَ قَدِمَ النَّبِىُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ الْمَدِيْنَةَ وَهُمْ يَجُبُّوْنَ اَسْنِمَةَ الْاِبِلِ وَيَقْطَعُوْنَ اَلْيَاتِ الْغَنَمِ فَقَالَ مَا يُقْطَعُ مِنَ الْبَهِيْمَةِ وَهِىَ حَيَّةٌ فَهِىَ مَيْتَةٌ وَلَا تُؤْكَلُ (اَلتِّرْمِذِى وَ اَبُوْدَاوُد)

122a. **Irbad-b-Sariyah** reported that the Messenger of Allah forbade on the day of Khaiber eating every beast having attacking tooth and every bird having attacking claws, and meat of domestic asses, and of animals marked for games, and of animals which die before slaughter, and from sexual intercourse with pregnant women till they put off what is in their bellies. Muhammad-b-Yahya said that Abu A'sem was asked about Mujassamah. He said : It is to aim a bird or anything and then to throw at it. And he was asked about Khalisah. He said : Wolf or ferocious beast which a man attacks and from which something is taken and then it dies in his hand before it is sacrificed. —*Tirmizi.*

عَنِ الْعِرْبَاضِ بْنِ سَارِيَةَ اَنَّ رَسُوْلَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ نَهٰى يَوْمَ خَيْبَرَ عَنْ كُلِّ ذِىْ نَابٍ مِّنَ السِّبَاعِ وَعَنْ كُلِّ ذِىْ مِخْلَبٍ مِّنَ الطَّيْرِ وَعَنْ لُحُوْمِ الْحُمُرِ الْاَهْلِيَّةِ وَعَنِ الْمُجَثَّمَةِ وَعَنِ الْخَلِيْسَةِ وَاَنْ تُوْطَاَ الْحَبَالٰى حَتّٰى يَضَعْنَ مَا فِىْ بُطُوْنِهِنَّ قَالَ مُحَمَّدُ بْنُ يَحْيٰى سُئِلَ اَبُوْ عَاصِمٍ عَنِ الْمُجَثَّمَةِ فَقَالَ اَنْ يُّنْصَبَ الطَّيْرُ اَوِ الشَّىْءُ فَيُرْمٰى وَسُئِلَ عَنِ الْخَلِيْسَةِ فَقَالَ الذِّئْبُ اَوِ السَّبُعُ يُدْرِكُهُ الرَّجُلُ فَيَاْخُذُ مِنْهُ فَتَمُوْتُ فِىْ يَدِهِ قَبْلَ اَنْ يُّذَكِّيَهَا (اَلتِّرْمِذِى)

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SECTION 7.

785. Lawful Food

Everything is lawful which has not been prohibited. There are three kinds of things which are generally used by men, *viz.*, (1) things of mines ; (2) vegetables and crops grown from the earth ; (3) and animals. The first two kinds are lawful except what is injurious to health, life, and intelligence. Intoxicating drugs cause harm to intelligence and are therefore unlawful. Poisonous plants are injurious to life and they are therefore unlawful. Among animals, there are lawful and unlawful animals. The case of unlawful animals has been dealth with in the previous section. The present section is devoted to lawful food. Among lawful things, there should be some sort of discrimination for the sake of health according to taste and repugnance. Anything distasteful or repugnant to nature should not be eaten, as it may injure health although the thing to be eaten is lawful. This version finds corroboration in the Quran. It says : O people ! eat the lawful and good things out of what is in the earth—2 : 57Q. It appears from this verse that the thing to be eaten should not only be lawful but it should also be liking to taste and not repugnant to individual nature, because forced feeding and drinking bring diseases. Many things of this class come under the heading of Makruh (abominable). Hares, locusts, cocks, cows, fishes, wild asses etc. can lawfully be eaten without any abomination.

Imam Malek and others hold that all aquatic animals are lawful (11 : 279w) except sea-dog, sea-hog and mairmen. Imam Shafeyi maintains that all aquatic animals are lawful (7 : 160) without discrimination. Imam Abu Hanifa holds that fishes which die by accident and float are lawful but abominable.* According to Imams Abu Hanifa and Malek, the flesh of horses is lawful but abominable. There is also difference of opinion with regard to lizard. See note 788. Condensed ghee is lawful even though a rat might have fallen in it (11 : 129, 130), but liquid ghee in which a rat has fallen is not lawful.

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* There are differences of opinion with regard to fishes. Imam Abu Hanifa maintains that no aquatic animal is lawful except fish and that fish which perishes of itself and floats above water is not lawful. This is on the basis of hadis no 11 : 133 and the Quranic verse—2 : 57Q.

123. **Anas** reported : I chased at a hare at **Marre-Jahran.**[786] I overtook it and brought it to Abu Talha who sacrificed it and sent to the Messenger of Allah its hip-bone and two thighs. He accepted it.[787] —*Agreed.*

عن انس قال انفجنا ارنبا بمر الظهران فاخذتها فاتيت بها ابا طلحة فذبحها وبعث الى رسول الله صلى الله عليه وسلم بوركها وفخذيها فقبله (متفق عليه)

124. **Ibn Omar** reported that the Messenger of Allah said: I do not eat lizard, nor do I make it unlawful. —*Agreed.*

عن ابن عمر قال قال رسول الله صلى الله عليه وسلم الضب لست آكله ولا احرمه (متفق عليه)

125. **Ibn Abbas** reported that Khaled-b-Walid imformed him that he went to Maimunah with the Messenger of Allah, and she was his maternal aunt or aunt of Ibn Abbas. He found a cooked lizard near her and she brought the lizard for the Messenger of Allah. The Prophet raised up his hand from the lizard. Khaled asked : O Messenger of Allah ! is lizard unlawful ? He said : No, but it does not exists in the land of my people, so I find myself excused from it. Khaled said : Then I pressed and ate it while the Messenger of Allah was looking at me.[788] —*Agreed.*

عن ابن عباس ان خالد بن الوليد اخبره انه دخل مع رسول الله صلى الله عليه وسلم على ميمونة وهي خالته خالة ابن عباس فوجد عندها ضبا محنوذا فقدمت الضب لرسول الله صلعم فرفع رسول الله صلعم يده عن الضب فقال خالد احرام الضب يا رسول الله قال لا ولكن لم يكن بارض قومي فاجدني اعافه قال خالد فاجتررته فاكلته ورسول الله صلعم ينظر الي (متفق عليه)

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786. Marre-Jahran is a place between Mecca andMedina.

787. Hare's meat is unanimously lawful.

788. This is by way of distaste to lizard-meat Any body willing may lawfully eat it. Imam Abu Hanifa held it to be unlawful (11 : 116), but Imams Ahmad and Shafeyi held it lawful in accordance with this tradition. It is said that lizards live up to 100 years and that in every 40 days they pass a drop of urine.

126. **Abu Musa** reported : I saw the Messenger of Allah eating the meat of fowls.
—*Agreed.*

عن ابى موسى قال رأيت رسول الله صلى الله عليه وسلم يأكل لحم الدجاج (متفق عليه)

127. **Ibn Aufa** reported : We fought along with the Messenger of Allah seven fights. We used to eat locusts with him. —*Agreed.*

عن ابن اوفى قال غزونا مع رسول الله صلى الله عليه وسلم سبع غزوات كنا نأكل معه الجراد (متفق عليه)

128. **Jaber** reported : I fought with the army of Khabat[789] of which Abu Obaidah was placed in command. Then we became too much hungry. The sea threw aside a dead fish called whale the like of which we did not see before. We ate a part of it in half a month. Abu Obaidah took a bone out of its bones under which a rider could pass. When we arrived (at Medina), we mentioned it to the Prophet. He said : Eat the provision which Allah took out to you, and feed us if there is something with you. So we sent something out of it to the Prophet and he ate it. —*Agreed.*

عن جابر قال غزوت جيش الخبط وامر ابو عبيدة فجعنا جوعا شديدا فالقى البحر حوتا ميتا لم نر مثله يقال له العنبر فاكلنا منه نصف شهر فاخذ ابو عبيدة عظما من عظامه فمر الراكب تحته فلما قدمنا ذكرنا للنبى صلعم فقال كلوا رزقا اخرجه الله اليكم واطعمونا ان كان معكم فارسلنا الى رسول الله صلعم منه فاكله (متفق عليه)

129. **Maimunah** reported that a rat fell in ghee and died. The Messenger of Allah was then asked about it. He said : Throw it off and what is around it, and eat it (rest).[790]
—*Bukhari.*

عن ميمونة ان فارة وقعت فى سمن فماتت فسئل رسول الله صلعم عنها فقال القوها وما حولها وكلوه (البخارى)

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789. The expedition of Khabat was undertaken in the 6th year of the Hejira. In this expedition food was so much wanting that the soldiers began to eat leaves of trees and grasses. Thereafter a big fish rose dead on the surface of the sea and they lived on it for more than 15 days. It appears from this that big fishes of sea or ocean can lawfully be taken.

790. This order is in the case of condensed ghee, but in case of dissolved ghee, all are unanimous that it is unlawful in this circumstance. In case of the latter, there is difference of opinion about its sale. All the Imams held it unlawful except Imam Abu Hanifa who held it lawful for the purpose of lightening lamps and similar objects.

130. **Abu Hurairah** reported that the Messenger of Allah said : When a rat falls in ghee throw it if it is condensed and what is around it, and if it is diffused, don't come to it.
Ahmad, Abu Daud, Darimi from Ibn Abbas.

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم اذا وقعت الفارة في السمن فان كان جامدا فالقوها وما حولها وان كان مائعا فلا تقربوه
احمد وابو داود (والدارمي عن ابن عباس)

131. **Safinah** reported : I ate with the Messenger of Allah the meat of bustard (bird).
—*Abu Daud.*

عن سفينة قال اكلت مع رسول الله صلى الله عليه وسلم لحم الحبارى (ابوداود)

132. **Ibn Omar** reported that the Messenger of Allah said : Two dead things and two bloods have been made lawful for us ; the dead things are fishes and locusts, and the bloods are liver and spleen :
—*Ahmad, Ibn Majah, Darqutni.*

عن ابن عمر قال قال رسول الله صلى الله عليه وسلم احلت لنا ميتتان ودمان الميتتان الحوت والجراد والدمان الكبد والطحال - احمد وابن ماجة والدارقطني

133. **Abu Zubair** reported from Jaber who said that the Messenger of Allah said : What the sea throws aside (fish) and from what water is shaken off eat, and what dies therein and floats, don't eat.
—*Abu Daud, Ibn Majah.*

عن ابي الزبير عن جابر قال قال رسول الله صلى الله عليه وسلم ما القاه البحر وجزر عنه الماء فكلوه وما مات فيه وطفا فلا تاكلوه
(ابوداود وابن ماجة)

134. **Salman** reported that the Prophet was asked about locusts. He said : I don't eat, nor do I make unlawful many of the hosts of Allah. —*Abu Daud.*

عن سلمان قال سئل النبي صلى الله عليه وسلم عن الجراد فقال اكثر جنود الله لا اكله ولا احرمه (ابوداود)

135. **Ibn Abbas** reported that the Pre-Islamic Arabs used to eat some things and leave other things out of hatred. Then Allah sent his Prophet and sent

عن ابن عباس قال كان اهل الجاهلية يأكلون اشياء ويتركون اشياء تقذرا فبعث

down His book and made lawful His lawful things and made unlawful His unlawful things. So whatever He made lawful is lawful, and whatever He made unlawful is unlawful and whatever he remained silent from is pardonable. He recited—say : I don't find anything prohibited in what was revealed to me for an eater to eat except what dies of itself, the verse (6 : 146 Q).
—*Abu Daud.*

اللّٰهُ نَبِيَّهُ وَاَنْزَلَ كِتَابَهُ وَاَحَلَّ حَلَالَهُ وَحَرَّمَ حَرَامَهُ فَمَا اَحَلَّ فَهُوَ حَلَالٌ وَمَا حَرَّمَ فَهُوَ حَرَامٌ وَمَا سَكَتَ عَنْهُ فَهُوَ عَفْوٌ وَتَلَا قُلْ لَا اَجِدُ فِيْمَا اُوْحِيَ اِلَيَّ مُحَرَّمًا عَلٰى طَاعِمٍ يَطْعَمُهُ اِلَّا اَنْ يَكُوْنَ مَيْتَةً اَوْ دَمًا الاٰيَةَ (ابوداود)

279w. **Jaber** reported that the Messenger of Allah said : There is no animal in sea which Allah has not but made pure for the children of Adam.
—*Darqutni.*

عَنْ جَابِرٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ مَا مِنْ دَابَّةٍ فِي الْبَحْرِ اِلَّا وَقَدْ ذَكَّاهَا اللّٰهُ لِبَنِيْ اٰدَمَ (الدارقطني)

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SECTION 8

791. Inter-dining

As a necessary corrolary to the recognition of the universal brotherhood of the human race under the common fatherhood of God, Islam throws open its dining cloth to all irrespective of caste, creed, colour and social position. Islam is, however, not responsible for the tremendous havoc that has been wrought by human hand. There is no touchability or untouchability in Islam. Every member of its commonwealth is equally entitled to partake of his food in the same dinner-cloth. Nay, it extends its hand to everybody—the Jews, the Christians and the followers of every other religion. The Apostle of Allah had a big tray which could be carried by four men. All the Muslims present used to partake of food in this tray, each eating from its side (4 : 328). This was a practical teaching of brotherhood in dining at a time when the uncivilized Arabs like the civilized nations of the present day used to take boast in tribal honour and created differences in society in all matters. This practical

illustration of real brotherhood attracted the attention of the then Arabs, and so they all threw themselves to the cause of Islam heart and soul with inflinching devotion to the Holy Prophet. So far as the dining table of the followers of other religions is concerned, the Muslims are allowed to partake of their food except what has been made unlawful to be placed in the dining cloth of the Muslims themselves. The Quran has not at all prohibited this inter-dining, nor the hadis. On the contrary, the Quran declares: This day all the good things are allowed to you, and the food of those who have been given the book is lawful for you, and your food is lawful for them (5 : 5 Q). The Holy Prophet himself used often to take food in the houses of non-Muslims and issued instructions to the Zimmis (protected non-Muslims) to entertain the Muslims in their journey in the ways of Allah.

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136. **Abu Sa'laba** reported: I asked: O Messenger of Allah! we are certainly travellers and pass by the Jews, Christians and the Magians. So we don't find but their utensils. He replied: If you do not find other than those things, wash them with water and eat and drink in them. —*Tirmizi.*

عن ابى ثعلبة الخشنى قال قلت يا رسول الله انا اهل سفر نمر باليهود والنصرى والمجوس فلا نجد غير انيتهم قال فان لم تجدوا غيرها فاغسلوها بالماء ثم كلوا فيها واشربوا (الترمذى)

137. **Qabiswah-b-Hulb** reported from his father who said: I asked the Prophet about food of the Christians (In another narration—a man asked him) and said: There is a food of foods from which I guard myself. The Prophet said: Nothing must raise doubt in your mind wherein Christianity is likened. *Tirmizi, Abu Daud.*

عن قبيصة بن هلب عن ابيه قال سالت النبى صلى الله عليه وسلم عن طعام النصرى وفى رواية ساله رجل فقال ان من الطعام طعاما اتحرج منه فقال لا يتخلجن فى صدرك شئ ضارعت فيه النصرانية (الترمذى وابوداود)

SECTION 9

792. Birth ceremony (عقيقة)

Aqiqah is the birth-ceremony of a child. It is an animal, preferably a goat sacrificed on the 7th day of birth. One goat has been prescribed for a female child and two for a male child. Meat should be distributed among the poor and the needy. On the 7th day, the child shall be shaved, and the hairs should be weighed. Silver to the extent of the weight of hairs should be distributed to the poor and the needy for invocation of blessing for the child. The Pre-Islamic Arabs used to sacrifice a goat on the birth of a child, and to besmear the head of the child by its blood. This was abolished by the Holy Prophet. He recommended in its place the giving of alms to the poor and the distressed. As soon as a child is born, azan or prayer-call should be made either within ears of the newly-born child or in the birth room. After that, the child shall be given to drink "Tahnik". It is the giving of honey or other sweet drink or juice of dates after being pressed to the lip of the child. This should be attended with prayer for good of the child. On the day of Aqiqah ceremony, a good name should be given to the child.

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139. **Salman-b-A'mer-az-Zabiy** reported: I heard the Messenger of Allah say: There is sacrifice of a goat for a male child. So shed blood in its stead and remove injury from it.

—*Bukhari.*

عن سلمان بن عامر الضبي قال سمعت رسول الله صلى الله عليه وسلم يقول مع الغلام عقيقة فاهريقوا عنه دما واميطوا عنه الاذى (البخاري)

140. **Ayesha** reported that to the Messenger of Allah, babies used to be brought. He used to pray for their blessing and apply 'tahnik' to them.

—*Muslim.*

عن عائشة ان رسول الله صلى الله عليه وسلم كان يؤتى بالصبيان فيبرك عليهم ويحنكهم (مسلم)

141. **Asma'a-bn-Abi Bakr** reported that she conceived Abdullah-b-Zubair at Mecca. She said: I gave birth to a child at Qubba'a and then came

عن اسماء بنت ابى بكر انها حملت بعبد الله بن الزبير بمكة قالت فولدت بقباء ثم

to the Prophet with it and placed it in his lap. He called for a date and mixed it (with saliva) and afterwards applied it to its mouth and then made 'tahnik'. He prayed for it and sought blessing. It was the first child that was born in Islam. —*Agreed.*

أتيت به رسول الله صلى الله عليه وسلم فوضعته في حجره ثم دعا بتمرة فمضغها ثم تفل في فيه ثم حنكه ثم دعا له وبرك عليه فكان أول مولود ولد في الإسلام (متفق عليه)

142. **Umme-Kurj** reported: I heard the Messenger of Allah say: Keep the birds in their nests. She said: I heard him say: There are two goats for a boy and one goat for a girl. It will not harm you whether they are males or females.

—*Abu Daud, Tirmizi (Correct), Nisai.*

عن أم كرز قالت سمعت رسول الله صلى الله عليه وسلم يقول اقروا الطير على مكناتها قالت وسمعته يقول عن الغلام شاتان وعن الجارية شاة ولا يضركم ذكرانا كن أو إناثا (أبو داود والترمذي (صحيح) والنسائي)

143. **Hasan** reported from Samorah who narrated that the Messenger of Allah said: A boy is pawned with his goat sacrificed on the seventh day for him, and he is given a name and his head shaved.

—*Ahmad, Tirmizi, Abu Daud, Nisai.**

عن الحسن عن سمرة قال قال رسول الله صلى الله عليه وسلم الغلام مرتهن بعقيقته يذبح عنه يوم السابع ويسمى ويحلق رأسه (أحمد والترمذي وأبوداود والنسائي)

144. **Muhammad-b-Ali-b-Hussain** reported from Ali-b-Abi Taleb who said that the Messenger of Allah sacrificed a goat for Hasan and said: O Fatimah! shave his head and give away silver in charity to the weight of his hairs. He then took his weight, and his weight

عن محمد بن علي بن حسين عن علي بن أبي طالب قال عق رسول الله صلعم عن الحسن بشاة وقال يا فاطمة احلقي رأسه وتصدقي بزنة شعره فضة فوزناه فكان وزنه درهمـ

*Abu Daud and Nisai reported the word "Rahinatun" in place of the word "Murtahanun".

was one dirham or some dirhams. *Tirmizi (Approved, Rare).*

او بعض درهم — الترمذي (حسن غريب)

145. **Ibn Abbas** reported that the Messenger of Allah sacrificed one ram for each, for Hassan and Hussain.

—(*Abu Daud, and to Nisai —two rams for each*).

عن ابن عباس ان رسول الله صلى الله عليه وسلم عق عن الحسن و الحسين كبشا كبشا
ابوداود (و عند النسائي كبشين كبشين)

146. **Amr-b-Shuaib** reported from his father from his grand-father who said that the Prophet was questioned about Aqiqah. He said "Allah does not love oquq (disobedience)" as if he disliked the name. He said: Whoever has got a child, it is proper that a sacrifice should be made in its stead. So sacrifice two goats for a boy and one goat for a girl. —*Abu Daud, Nisai.*

عن عمرو بن شعيب عن ابيه عن جده قال سئل رسول الله صلى الله عليه وسلم عن العقيقة فقال لا يحب الله العقوق كانه كره الاسم و قال من ولد له فاحب ان ينسك عنه فلينسك عن الغلام شاتين و عن الجارية شاة (ابوداود و النسائي)

147. **Abu Rafe'** reported: I saw the Messenger of Allah proclaiming 'Azan' into the ears of Hasan-b Ali with blessing when Fatimah gave birth to him. —*Abu Daud, Tirmizi (Approved).*

عن ابي رافع قال رايت رسول الله صلى الله عليه وسلم اذن في اذن الحسن بن علي حين ولدته فاطمة بالصلوة
ابو داود و الترمذي (حسن)

148. **Boraida** reported: When a son was born to one of us in the Days of Ignorance, he used to sacrifice a goat and rub its head with its blood; but when Islam came, we used to sacrifice a goat on the seventh day, shave its head and rub it with saffron. —*Abu Daud.*

عن بريدة قال كنا في الجاهلية اذا ولد لاحدنا غلام ذبح شاة و لطخ راسه بدمها فلما جاء الاسلام كنا نذبح الشاة يوم السابع و نحلق راسه و نلطخه بزعفران (ابو داود)

SECTION 10

793. Slaying (ذبح)

(a) Slaying. Zabhun signifies in the literal sense to cut the throat. In the language of the law, it signifies the act of slaying an animal agreeably to the prescribed forms without which it is not considered as eatable. All animals the flesh of which is eatable except fish and locusts, must be slain by Zabah, as by means of Zabah the unclean blood is separated from the clean flesh. Questions may arise why, in face of such humanitarian laws of the Prophet of Islam, permission for slaying of animals was given. The reasons have been discussed in notes 265 and 2112. Zabah is of two kinds, by choice (اختیاری) and out of necessity (اضطراری). The former is done by cutting the throat above the chest, and the latter by effecting a wound on any part of the animal's body. The latter kind is the exeptional mode of slaying when the first kind is not easily available. Zabah, in order to be lawful, must be performed in the name of Allah and with the utterance of Tasmeea (بسم الله الرحمن الرحیم) by Muslims or the people of the Book like the Christians, Jews and Sabians provided they be persons acquainted with the form of invocation. There is no distinction between a man, woman, infant or idiot in the act of Zabah. It cannot be performed by an idolater, or an worshipper of deities besides Allah, or a Magian because he does not believe in the unity of Allah. The reason is that polytheisn is the greatest uncleanliness in man, and as such a polytheist is not expected to make the object of Zabah clean. Any species of game slain by a Muhrim (a pilgrim within the fixed boundary of Mecca) is unlawful, although it is not slain within the holy territory. To slay any game in the holy territory is quite unlawful.

(b) **Zabah** may be performed with nails, horns or teeth provided no sharp instrument is available, because it is not lawful to give too much pain to the animal. Zabah must be made in such a manner as gives ease to the animal. It is lawful to slay with the rind of a reed, or a sharp stone or with everything capable of cutting the vessels and drawing of blood Everybody should sharpen his knife before Zabah is made, because the Prophet odered to be merciful in the act of slaying. It is abominable (Makruh) first to throw

the animal down on its side and then to sharpen the knife. It is also abominable to let the knife reach the spinal marrow or cut off the head of the animal. It is abominable to detain an animal for slaughter or to break its neck while it is in the struggles of death. Wild animals may be slain by chasing and shooting them. The foetus of a slain animal is not lawful. The place for slaying is between the throat and the libba (the head of the breast bone), because the blood freely issues when a wound is given in that place. Four things must be cut: Hulkum or wind pipe, gullet and two jugular veins. Nothing must be said except Bismillah (In the name of Allah, the Most Beneficient and Merciful). Any language may be said in invocation.

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149. **Rafe-b-Khadij** reported: I asked: O Messenger of Allah! we shall encounter the enemy to-morrow but we have got no knife with us. Shall we slaughter with rod? He replied: Eat what strikes out blood and on which Allah's name is taken, not (what is bitten by) teeth and claws of which I am informing you just now. As for tooth, it is a bone, and as for claws, it is a knife of the Negroes. Then we got some booty of camels and sheep. Out of these, a camel fled away and a man threw arrow at it and kept it confined. Then the Prophet said: Verily there is wildness for this camel like the wildness of beasts. So when anything of it overcomes you, do with it like this. —*Agreed.*

عن رافع بن خديج قال قلت يا رسول الله إنا لاقوا العدو غدا وليست معنا مدى أفنذبح بالقصب قال ما أنهر الدم وذكر اسم الله فكل ليس السن والظفر وسأحدثك عنه أما السن فعظم وأما الظفر فمدى الحبش وأصبنا نهب إبل وغنم فند منها بعير فرماه رجل بسهم فحبسه فقال رسول الله صلى الله عليه وسلم إن لهذه الإبل أوابد كأوابد الوحش فإذا غلبكم منها شيء فافعلوا به هكذا (متفق عليه)

150. **Ka'a-b-Malek** reported that he had a flock of sheep

عن كعب بن مالك أنه كان له غنم

which grazed at Sal'a. A maid-servant of ours found out a sheep dying from the flock. She then broke a stone and slaugtered it therewith. He asked the Prophet (about it). He ordered him to eat it. —*Bukhari.*

ترعى بسلع فابصرت جارية لنا بشاة من غنمنا موتا فكسرت حجرا فذبحتها به فسأل النبي صلى الله عليه وسلم فامره بأكلها (البخاري)

151. **Shaddad-b-Aus** reported from the Prophet who said: Verily the Blessed and Almighty Allah inscribed kindness on everything. So when you slaughter make the slaughter good, when you sacrifice make your sacrifice good. Let one of you sharpen his knife and give ease to your sacrificed animal. —*Muslim*

عن شداد بن اوس عن رسول الله صلى الله عليه وسلم قال ان الله تعالى كتب الاحسان على كل شيء فاذا قتلتم فاحسنوا القتلة واذا ذبحتم فاحسنوا الذبح وليحد احدكم شفرته وليرح ذبيحته (مسلم)

152. **Ibn Omar** reported: I heard the Messenger of Allah forbidding to keep a quadruped or any other animal waiting for slaughter. —*Agreed.*

عن ابن عمر قال سمعت رسول الله صلى الله عليه وسلم ينهى ان تصبر بهيمة او غيرها للقتل (متفق عليه)

153. **Ibn Omar** reported that the Prophet cursed him who takes up something in which there is life as a mere sport. —*Muslim.*

عن ابن عمر ان النبي صلعم لعن من اتخذ شيئا فيه الروح غرضا (مسلم)

154. **Jaber** reported that the Messenger of Allah prohibited beating on the face and making marks on the face. —*Muslim.*

عن جابر قال نهى رسول الله صلى الله عليه وسلم عن الضرب في الوجه وعن الوسم في الوجه (مسلم)

155. **Same** reported that an ass whose face was painted passed by the Prophet. He said: May Allah curse him who painted it. —*Muslim.*

عنه ان النبي صلى الله عليه وسلم مر عليه حمار وقد وسم في وجهه قال لعن الله الذي وسمه (مسلم)

156. **Anas** reported: I went at dawn to the Prophet with Abdullah-b-Abi Talha in order to apply dates on his head. I found him marking camels of Zakat with a painting rod in his hand. —*Agreed.*

عن انس قال غدوت الى رسول الله صلعم بعبد الله بن ابى طلحة ليحنكه فوافيته فى يده الميسم يسم ابل الصدقة (متفق عليه)

157. **Adi-b Hatem** reported: I enquired: O Messenger of Allah! what is your decision about a man who attacks a game but with whom there is no knife? Can he sacrifice with a stone or edge of his stick? He replied: Flow out blood with what you like, and take the name of Allah.

—*Abu Daud, Nisai.*

عن عدى بن حاتم قال قلت يا رسول الله ارايت احدنا اصاب صيدا وليس معه سكين ايذبح بالمروة وشقة العصا فقال امرر الدم بما شئت واذكر اسم الله

(ابو داود والنسائى)

158. **Abul-Ushara'a** reported from his father that he said: O Messenger of Allah! cannot sacrifice be made except in throat or breast-girth? He replied: If you shoot at its thigh, it would suffice you.

—*Tirmizi, Abu Daud, Nisai, Ibn Majah, Darimi.*

عن ابى العشراء عن ابيه انه قال يا رسول الله اما تكون الذكوة الا فى الحلق واللبة فقال لو طعنت فى فخذها لاجزأ عنك (الترمذى وابو داود والنسائى وابن ماجة والدارمى)

159. **Ibn Abbas and Abu Hurairah** reported that the Messenger of Allah forbade to take 'Sharita' of the devil. Ibn Isa added: That is the slaughtered animal whose skin is taken off, and whose throat veins are not out off and which is then left till it is dead.

—*Abu Daud*

عن ابن عباس وابى هريرة ان رسول الله صلى الله عليه وسلم نهى عن شريطة الشيطان زاد ابن عيسى هى الذبيحة يقطع منها الجلد ولا تفرى الاوداج ثم تترك حتى تموت

(ابوداود)

160. **Jaber** reported that the Prophet said: The slaughter

عن جابر ان النبى صلى الله عليه وسلم

of an animal in womb is the slaughter of its mother.
—*Abu Daud, Darimi, Tirmizi from Abu Sayeed.*

قال ذكوة الجنين ذكوة امه (ابو داود و الدارمى و الترمذى عن ابى سعيد)

161. **Abu-Sayeed-al-Khodri** reported : We enquired : O Messenger of Allah! we (sometimes) kill a she-camel and slaughter a cow and a goat and find an unborn young one in their belly. Shall we throw it off or shall we eat it? He said : Eat it if you like, because its slaughter is the slaughter of its mother.—*Abu Daud, Ibn Majah.*

عن ابى سعيد ن الخدرى قال قلنا يا رسول الله ننحر الناقة و نذبح البقرة و الشاة فنجد فى بطنها الجنين انلقيه ام ناكله قال كلوا ان شئتم فان ذكوته ذكوة امه (ابو داود و ابن ماجة)

162. **Abdullah-b-Amr** reported that the Messenger of Allah said: Whoever kills a sparrow or what is superior to it without its right, Allah will take his account for its killing. It was questioned : O Messenger of Allah! what is its right? He said : To slaughter and devour it and not to cut off its head and then to throw it away. —*Ahmad, Nisai.*

عن عبد الله بن عمرو ان رسول الله صلعم قال من قتل عصفورا فما فوقها بغير حقها سأله الله عن قتله قيل يا رسول الله و ما حقها قال ان يذبحها فيأكلها و لا يقطع رأسها فيرمى بها (احمد و النسائى)

SECTION 11

794. Hunting

(*a*) *Lawful game.* It is lawful to hunt with all the instruments of hunting such as gun, arrow or pistol, and with all the animals of the hunting tribe that are trained in hunting such as dogs, hawks or falcons. If a game is caught by animals not trained in hunting, it is unlawful, unless slain by Zabah. In the case of trained animals, no Zabah is necessary. The sign of a trained dog is his catching game three times without eating it. The sign of a trained hawk is to

return the game to its master. A hunting quadruped eating any part of the game renders it unlawful. Game caught by a hawk after it has returned to its wild state is not lawful. A dog does not render its game unlawful by taking its blood, or by eating a piece of the flesh cut off and thrown to him by the hunter. Game taken alive must be slain by Zabah, provided it lives long enough to admit of performing Zabah in a legal manner. The game taken is lawful although it be not the same that was intended by the hunter.

(*b*) *Bismillah* is essential in rendering the game lawful. The name of Allah (in the name of Allah, the Most Merciful and Compassionate) must be pronounced at the time of letting loose the hound, dog or hawk for hunting and taking the game. All the games caught by these animals are lawful. It is not, however, lawful if they catch game independant of the act of the hunter. Game hunted down by a polytheist, Magian or an apostate is not lawful. Games are however lawful when hunted by the Christians, Jews, Sabians and other people of the Book in the name of God.

(c) Shooting game by gun or arrow. The name of Allah as above must be uttered at the time of shooting a gun or an arrow for a game. If the game is taken alive, it must be slain by Zabah. If no invocation is taken at the time of shooting the game is quite unlawful. Game wounded and afterwards found dead by the person who shot is lawful, unless he discovers another wound upon it not caused by him. Game shot by a gun aimed at another animal is lawful. Game which being shot falls into water or upon any building etc. before it reaches the ground is unlawful. Water animals are, however, exceptions to this rule. Game slain by a bruise without shot is not lawful. Hunting by disqualified persons by shooting cannot make game lawful. All animals may be hunted whether they are lawful or unlawful for eating.

(d) Hunting is unlawful at the time of Ihram or when a man is a pilgrim. The Holy Quran says: The cattle quadrupeds are allowed to you, not violating the provisions against game when you are a pilgrim. O you who believe! donot violate the signs appointed by Allah, nor the sacred month, nor the offerings ....and when you are free from the obligations of the pilgrimage, then hunt—5: 1—2 Q. Lawful to you is the game of the sea and its food—a provision for you and for the travellers, and the game of the land is forbidden to you as long as you are a pilgrim—5: 96 Q.

163. **Adi-b Hatem** reported: The Messenger of Allah said to me: When you send your (hunting) dog, remember the name of Allah. If it then catches anything for you, take it alive and slaughter it; and if you take it after it is killed and it (dog) has not eaten anything of it, then eat it; and if it has eaten, don't eat, because it has caught hold of it for itself. If you find another dog with your dog and it has killed, don't eat, because you don't know which of the two killed (it); and when you throw your arrow then recite the name of Allah, if it then (prey) remains absent from you for a day and if you don't find therein but the sign of your arrow, then eat if you like, but don't eat if you find it immerged in water. —*Agreed.*

عَنْ عَدِيِّ بْنِ حَاتِمٍ قَالَ قَالَ لِي رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ إِذَا أَرْسَلْتَ كَلْبَكَ فَاذْكُرِ اسْمَ اللهِ فَإِنْ أَمْسَكَ عَلَيْكَ فَأَدْرَكْتَهُ حَيًّا فَاذْبَحْهُ وَإِنْ أَدْرَكْتَهُ قَدْ قَتَلَ وَلَمْ يَأْكُلْ مِنْهُ فَكُلْهُ وَإِنْ أَكَلَ فَلَا تَأْكُلْ فَإِنَّمَا أَمْسَكَ عَلَى نَفْسِهِ فَإِنْ وَجَدْتَ مَعَ كَلْبِكَ كَلْبًا غَيْرَهُ قَدْ قَتَلَ فَلَا تَأْكُلْ فَإِنَّكَ لَا تَدْرِي أَيُّهُمَا قَتَلَ وَإِذَا رَمَيْتَ بِسَهْمِكَ فَاذْكُرِ اسْمَ اللهِ فَإِنْ غَابَ عَنْكَ يَوْمًا فَلَمْ تَجِدْ فِيهِ إِلَّا أَثَرَ سَهْمِكَ فَكُلْ إِنْ شِئْتَ وَإِنْ وَجَدْتَهُ غَرِيقًا فِي الْمَاءِ فَلَا تَأْكُلْ (مُتَّفَقٌ عَلَيْهِ)

164. **Same** reported: I enquired: O Messenger of Allah! verily we send our trained dogs (for hunting). He said: Eat what they take for you. I enquired: If they kill? He said: (eat) though they kill. I asked: We pierce (them) with arrow. He said: Eat what it pierces; and what it bites with its teeth and then kills becomes impure, so don't eat. *Agreed.*

عَنْهُ قَالَ قُلْتُ يَا رَسُولَ اللهِ إِنَّا نُرْسِلُ الْكِلَابَ الْمُعَلَّمَةَ قَالَ كُلْ مَا أَمْسَكْنَ عَلَيْكَ قُلْتُ وَإِنْ قَتَلْنَ قَالَ وَإِنْ قَتَلْنَ قُلْتُ إِنَّا نَرْمِي بِالْمِعْرَاضِ قَالَ كُلْ مَا خَزَقَ وَمَا أَصَابَ بِعَرْضِهِ فَقَتَلَهُ فَإِنَّهُ وَقِيذٌ فَلَا تَأْكُلْ (مُتَّفَقٌ عَلَيْهِ)

165. **Abu Sa'labah al-Khushani** reported: I enquired: O Prophet of Allah, we are in a land of the people of the Book—can we eat in their utensils?—and in a land of hunting where I hunt with my spear and with my dog which is not trained, and with my trained dog. What is proper for me? He replied:

عَنْ أَبِي ثَعْلَبَةَ الْخُشَنِيِّ قَالَ قُلْتُ يَا نَبِيَّ اللهِ إِنَّا بِأَرْضِ قَوْمٍ أَهْلِ الْكِتَابِ أَفَنَأْكُلُ فِي آنِيَتِهِمْ وَبِأَرْضِ صَيْدٍ أَصِيدُ بِقَوْسِي وَبِكَلْبِي الَّذِي لَيْسَ بِمُعَلَّمٍ وَبِكَلْبِي الْمُعَلَّمِ فَمَا يَصْلُحُ لِي

As for what you have mentioned about utensils of the people of the Book, if you find other utensils, don't eat therein; and if you do not find, wash them and eat in them; and what you pierced with your arrow after you had taken the name of Allah, then eat, and what you hunted with your trained dog after the name of Allah was taken, then eat; and what you hunted with your untrained dog and found out its game then eat. —*Agreed.*

قال أما ما ذكرت من آنية أهل الكتاب فإن وجدتم غيرها فلا تأكلوا فيها وإن لم تجدوا فاغسلوها وكلوا فيها وما صدت بقوسك فذكرت اسم الله فكل وما صدت بكلبك المعلم فذكرت اسم الله فكل وما صدت بكلبك غير معلم فأدركت ذكاته فكل (متفق عليه)

166. **Same** reported that the Messenger of Allah said: When you shoot with your arrow and it goes away from you and you overtake it (prey), then eat (it) so long as it does not become rotten. — *Muslim.*

عنه قال قال رسول الله صلى الله عليه وسلم إذا رميت بسهمك فغاب عنك فأدركته فكل ما لم ينتن (مسلم)

167. **Same** reported from the Prophet who said regarding one whose prey was caught after three (days): Eat it so long as it does not rot. —*Muslim*

عنه عن النبي صلى الله عليه وسلم قال في الذي يدرك صيده بعد ثلاث فكله ما لم ينتن (مسلم)

168. **Ayesha** reported: They enquired: O Messenger of Allah! there are peoples here whose conversion from polytheism is recent. They come to us with meat but we don't know whether they recite the name of Allah over it or not. He said: Take the name of Allah and eat. —*Bukhari.*

عن عائشة قالت قالوا يا رسول الله إن هنا أقواما حديث عهدهم بشرك يأتوننا بلحمان لا ندري أيذكرون اسم الله عليها أم لا قال اذكروا أنتم اسم الله وكلوا (البخاري)

169. **Abu Tofail** reported that Ali was asked: Has the Prophet specialised you with anything? He said: He has not specialised us with anything which he has not given to the public except what is in the sheath of this sword of mine. Then he took

عن أبي الطفيل قال سئل علي هل خصكم رسول الله صلى الله عليه وسلم بشيء فقال ما خصنا بشيء لم يعم به الناس إلا ما في قراب سيفي

out a scripture wherein Allah cursed one who slaughters other than for Allah, and Allah cursed one who steals away the (demarcation) pillars of the lands; (in another narration: Whoever changes the pillars of land); and Allah cursed one who curses his parents and Allah cursed one who gives shelter to the innovator. —*Muslim*

هذا فأخرج صحيفة فيها لعن الله من ذبح لغير الله ولعن الله من سرق منار الارض وفي رواية من غير منار الارض ولعن الله من لعن والده ولعن الله من آوى محدثا (مسلم)

170. **Hisham-b-Zaid** reported from Anas who narrated: I went to the Prophet while he was in the pound and found him marking something. He said: I considered that it was in the ears. —*Agreed.*

عن هشام بن زيد عن أنس قال دخلت على النبي صلى الله عليه وسلم وهو في مربد فرأيته يسم شياها حسبته قال في آذانها (متفق عليه)

171. **Adi-b-Hatem** reported that the Messenger of Allah said: What you train of dogs and falcon and then send (for hunting) after taking the name of Allah, you can eat what it takes to you. I enquired: If it kills? He replied: Even when it kills it and does not partake therefrom, because it has caught it for you. —*Abu Daud.*

عن عدي بن حاتم أن النبي صلى الله عليه وسلم قال ما علمت من كلب أو باز ثم أرسلته وذكرت اسم الله فكل مما أمسك عليك قلت وإن قتل قال إذا قتله ولم يأكل منه شيئا فإنما أمسكه عليك (أبوداود)

172. **Same** reported: I enquired: O Messenger of Allah! I shoot an arrow against a prey and find on the following day my arrow therein. He said: When you know that your arrow has killed it, and you don't find therein any touch of a ferocious beast, then eat. —*Abu Daud.*

عنه قال قلت يا رسول الله أرمي الصيد فأجد فيه من الغد سهمي قال إذا علمت أن سهمك قتله ولم تر فيه أثر سبع فكل (أبوداود)

173. **Jaber** reported: We have been prohibited from hunting the dogs of the Magians. —*Tirmizi.*

عن جابر قال نهينا عن صيد كلب المجوس
(الترمذي)

174. **Abu Darda'a** reported that the Messenger of Allah prohibited to eat a marked animal; and that is one which is marked with arrow. —*Tirmizi.*

عن ابي الدرداء قال نهى رسول الله صلعم عن اكل المجثمة وهي التي تصبر بالنبل
(الترمذي)

SECTION 12

795. Injurious Animals

The general law of Islam is that man has got a duty even towards animals inferior to himself. This has been discussed in note 265. He should respect their lives and should not give them unnecessary troubles. But there are exceptions to this rule. The first exception is that man can sacrifice any animal for food which is lawful, as everything has been created for man, the lord of creation. The second exception is that even without necessity of food, man can lawfully kill some classes of animals which are injurious to men and dreadful to the public peace. Just as a man is put to the gallows for the murder of his fellow man and by way of example to others for future peace, an animal which causes injury to the life of men is likewise to be killed. The murderer is put to the gallows after murder, because it will be an example to others, but an injurious animal is to be killed before the injury is done. This is because its fellow beings have got no intelligence and foresight like men to take precaution from the example of others. There is no lighter punishment for injurious animals short of death, as like men they can't amend their natural instincts. For these reasons, the Holy Prophet recommended the killing of injurious animals like serpents, snakes, scorpions, some kinds of dogs, and ferocious animals like tiger and lion. There is even rewards in killing them as their destruction lessens the chance of human killing.

Unlawful for killing. Ants, bees, hudhud birds and sparrows cannot lawfully be killed as they, instead of harm, do good to men. No animals other than the injurious ones shall be killed—II : 179. A woman was forgiven of her sins for giving water to a thirsty dog, and a woman was punished

for troubling a cat. It is equally unlawful to set up one animal against another. This gives enjoyment to the people, but trouble to animals.

Voices of animals. When dogs bark and asses bray at night, refuge shall be sought from Allah as they see the devils and injurious things, and none should come out of his house at dead of night as it is the time of the beasts and snakes to come out. The crowing of cock should be welcome as it sees an angel at the time of crowing and thus rouses the the people from sleep for prayer.

Snakes. Snakes are poisonous and cause immediate death of men. Therefore they should be killed. The Holy Prophet, however, made exception in the case of snakes which haunt the inhabited houses. When there is fear of these snakes in houses, prayer as laid down 11 : 180 in should be recited. If they do not leave the houses after that, they may be killed. The Holy Prophet excepted the snakes which are white having silver lines on their backs from killing. There are three kinds of ginn—one kind having wings flies in the sky; another kind is in form of serpents and dogs, and another kind is snakes living in inhabited houses.

Dogs. All the dogs should be killed. The following are the exceptions. (1) Those dogs which are used as companions in journey, or dogs trained for hunting, or dogs used as watch over sheep or cattle or other properties, or dogs which are useful in agriculture. (2) Those dogs which have got spots in their eyes other than of black colour (11 : 186).

Ferocious beasts. There is no exception in this class. They should be killed wherever they are found.

Rats. Big rats as do injury in houses in some way or other should be killed.

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175. **Ibn Omar** reported that he heard the Messenger of Allah say: Kill snakes and kill also those having two lines on the back, and maimed tail, because they both make eyesight short and abortion of pregnancy. Abdullah said: While I was running after a snake to kill it, Abu Lubabah called out to me: Don't kill it. I said that the Messenger of Allah ordered to kill the snakes. He said that he afterwards prohibited from killing those snakes which live in houses, and these are those that haunt.

—*Agreed.*

عن ابن عمر انه سمع النبي صلعم يقول
اقتلوا الحيات واقتلوا ذا الطفيتين والابتر
فانهما يطمسان البصر ويستسقطان الحبل
قال عبد الله فبينا انا اطارد حية اقتلها
فناداني ابو لبابة لا تقتلها فقلت ان
رسول الله صلعم امر بقتل الحيات فقال انه
نهى بعد ذلك عن ذوات البيوت وهن
العوامر (متفق عليه)

176. **Abu Sa'eb** reported: We went to Abu Sayeed al-Khodri, and while we were sitting we heard a motion under his bed. We looked when lo! there was a snake therein. I was about to kill it while Abu Sayeed was praying. He gave hint to me: Sit. I sat down. When it went away, he pointed out a hut in the house. He asked: Do you see this hut? 'Yes', replied I. He said: There resided therein a son of mine who was newly married to a bride. He said: Then we went out with the Prophet of Allah to the Ditch. That boy was seeking permission of the Prophet for half a day to go to his (newly married) wife. So he granted him permission for a day. The Prophet said to him: Take your spear, because I fear Quraizah tribe for your sake. The man took his spear and then returned when lo! his wife was standing behind the two doors. He rushed towards her with lance in order to attack her therewith. Anger overtook him, and she said to him: Withhold your lance to you and enter the house, till you find what has driven me out. He then entered thereto when lo! a huge snake coiled upon the bed. He rushed towards it with the lance and attacked it therewith.

عن ابي السائب قال دخلنا على ابي
سعيد الخدري فبينما نحن جلوس اذ سمعنا
تحت سريره حركة فنظرنا فاذا فيه حية
فوثبت لاقتلها وابوسعيد يصلي فاشار الي
ان اجلس فجلست فلما انصرف اشار
الى بيت في الدار فقال اترى هذا البيت
فقلت نعم فقال كان فيه فتى منا حديث عهد
بعرس قال فخرجنا مع رسول الله صلى الله
عليه وسلم الى الخندق فكان ذلك الفتى
يستاذن رسول الله صلعم بانصاف النهار فيرجع
الى اهله فاستاذنه يوما فقال له رسول الله
صلعم خذ عليك سلاحك فاني اخشى عليك
قريظة فاخذ الرجل سلاحه ثم رجع فاذا امراته
بين البابين قائمة فاهوى اليها بالرمح ليطعنها به
واصابته غيرة فقالت له اكفف عليك
رمحك وادخل البيت حتى تنظر ما الذي
اخرجني فدخل فاذا بحية عظيمة منطوية
على الفراش فاهوى اليها بالرمح فانتظمها به

Then he went out and broke it at the door. Then it bit him. So it is not known which of them (serpent or boy) would die soon. He said: We came to the Messenger of Allah and mentioned it to him and said: Pray to Allah that He may restore his life for us. He said: Ask forgiveness for your companion. Afterwards he said: Verily there are haunters for these houses. So when you see anything out of them throw dust on it thrice. If it goes away, (it is well), or else kill it, because it is an infidel. He said to them: Go away and bury your companion. In another narration, he said: Verily there are ginn at Medina who accepted Islam. So when you see anything out of them, call it for three days, and if it is visible to you after that, kill it, because it is the devil. —*Muslim.*

ثم خرج فركزه في الدار فاضطربت عليهما يدرى أيهما كان أسرع موتا الحية أم الفتى قال فجئنا رسول الله صلعم وذكرنا ذلك له وقلنا ادع الله يحييه لنا فقال استغفروا لصاحبكم ثم قال إن لهذه البيوت عوامر فإذا رأيتم منها شيئا فحرجوا عليها ثلاثا فإن ذهب وإلا فاقتلوه فإنه كافر وقال لهم اذهبوا فادفنوا صاحبكم وفي رواية قال إن بالمدينة جنا قد أسلموا فإذا رأيتم منهم شيئا فآذنوه ثلاثة أيام فإن بدا لكم بعد ذلك فاقتلوه فإنما هو شيطان (مسلم)

177 **Umme-Sharik** reported that the Messenger of Allah passed order for the killing of big rat; and he said that it used to blow over Abraham —*Muslim.*

عن أم شريك أن رسول الله صلعم أمر بقتل الوزغ وقال كان ينفخ على إبراهيم (متفق عليه)

178. **Abu Hurairah** reported that the Messenger of Allah said: Whoever kills a big rat with the first beating, 100 merits are written for him and with the second (beating) less than that, and with the third less than that. —*Muslim.*

عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال من قتل وزغا في أول ضربة كتبت له مائة حسنة وفي الثانية دون ذلك وفي الثالثة دون ذلك (مسلم)

179. **Same** reported that the Messenger of Allah said: An ant stung a prophet among the prophets. So he ordered the village of the ants (to be burnt), and so it was burnt. Then the Almighty Allah revealed to him: An ant stung you for which you have burnt a being among the beings who praise Allah.

—*Agreed.*

عنه قال قال رسول الله صلى الله عليه وسلم قرصت نملة نبيا من الانبياء فامر بقرية النمل فاحرقت فاوحى الله تعالى اليه ان قرصتك نملة احرقت امة من الامم تسبح

(متفق عليه)

180. **Abdur Rahman-b-Abi Laila** reported that Abu Laila narrated that the Messenger of Allah said: When a snake appears in an abode, address it: Surely we question you about the covenant of Noah and the covenant of Solaiman-b-Daud that you would not injure us. If it comes again, kill it.

—*Tirmizi, Abu Daud.*

عن عبد الرحمن بن ابي ليلى قال قال ابو ليلى قال رسول الله صلى الله عليه وسلم اذا ظهرت الحية في المسكن فقولوا لها انا نسألك بعهد نوح وبعهد سليمان بن داود ان لا تؤذينا فان عادت فاقتلوها

(الترمذي وابو داود)

181 **Abu Hurairah** reported that the Messenger of Allah said: We have not made peace with them since we fought with them. And whoever leaves any of them out of fear, is not of us.

—*Abu Daud.*

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم ما سالمناهم منذ حاربناهم ومن ترك شيئا منهم خيفة فليس منا

(ابو داود)

182. **Ibn Mas'ud** reported that the Messenger of Allah said: Kill the snakes, everyone of them. Whoever fears their biting (in killing), is not of me.

—*Abu Daud, Nisai.*

عن ابن مسعود قال قال رسول الله صلعم اقتلوا الحيات كلهن فمن خاف ثارهن فليس مني

(ابو داود والنسائي)

183. **Ibn Mas'ud** reported that the Messenger of Allah said: Kill the snakes, everyone of them, except the white genn which is like silver-rod.

—*Abu Daud.*

عن ابن مسعود ان رسول الله صلى الله عليه وسلم قال اقتلوا الحيات كلها الا الجان الابيض الذى كانه قضيب فضة (ابوداود)

184. **Ibn Abbas** reported that the Messenger of Allah prohibited from killing four from the beasts-ants, bees, hudhuds and sparrows.

Abu Daud, Darimi.

عن ابن عباس قال نهى رسول الله صلى الله عليه وسلم عن قتل اربع من الدواب النملة والنحلة والهدهد والصرد (ابوداود والدارمى)

185. **Abu Hurairah** reported that the Messenger of Allah said: Whoever rears a dog except a dog for journey or for hunting or for agriculture, one qirat is deducted every day from his reward. —*Agreed.*

عن ابى هريرة قال قال رسول الله صلى الله عليه وسلم من اتخذ كلبا الا كلب ماشية او صيد او زرع انتقص من اجره كل يوم قيراط (متفق عليه)

186. **Jaber** reported that the Messenger of Allah ordered us to kill dogs (of Medina). Even a woman who was coming from the desert with her dog was about to kill it when the Prophet prohibited her from killing it and said: It is incumbent on you to kill the black dog having two spots (in eyes), because it is the devil

—*Muslim*

عن جابر قال امرنا رسول الله صلى الله عليه وسلم بقتل الكلاب حتى ان المرأة تقدم من البادية بكلبها فنقتله ثم نهى رسول الله صلى الله عليه وسلم عن قتلها وقال عليكم بالاسود البهيم ذى النقطتين فانه شيطان (مسلم)

187. **Zaid-b-Khaled** reported that the Messenger of Allah said: Don't abuse the cock; verily it rouses up for prayer. —*Abu Daud.*

عن زيد بن خالد قال قال رسول الله صلى الله عليه وسلم لا تسبوا الديك فانه يوقظ للصلوة (ابوداود)

188. **Abu Hurairah** reported that the Messenger of

عن ابى هريرة قال قال رسول الله صلى

Allah said: When you all hear the crowing of cock, ask Allah of His favour because it then sees an angel; and when you hear the braying of ass, seek refuge to Allah from the accursed devil, because it then sees a devil. —*Agreed.*

الله عليه وسلم اذا سمعتم صياح الديكة فسلوا الله من فضله فانها رأت ملكا واذا سمعتم نهيق الحمار فتعوذوا بالله من الشيطان الرجيم فانه رأى شيطانا (متفق عليه)

189. **Abbas** reported that he asked: O Messenger of Allah, verily we wish to sweep out Zamzam water, because therein there are these ginn meaning the little serpents. Then the Prophet passed order for their killing. —*Abu Daud.*

عن العباس قال يا رسول الله انا نريد ان نكنس زمزم فان فيها من هذه الجنان يعني الحيات الصغار فامر رسول الله صلى الله عليه وسلم بقتلهن (ابوداود)

190. **Ibn Omar** reported that the Messenger of Allah ordered for killing of dogs except dog of hunting or dog of (watching) sheep or dog for journey. —*Agreed.*

عن ابن عمر ان النبي صلى الله عليه وسلم امر بقتل الكلاب الا كلب صيد او كلب غنم او ماشية (متفق عليه)

191. **Sa'ad-b-Abi Waqqas** reported that the Messenger of Allah ordered for the killing of big rat, and he named it 'Fuaisiqe'. —*Muslim.*

عن سعد بن ابي وقاص ان رسول الله صلى الله عليه وسلم امر بقتل الوزغ وسماه فويسقا (مسلم)

192. **Ibn Omar** reported that the Messenger of Allah said: Whoever rears up dog except dog for journey or hunting, two qirats[796] out of his actions are taken out every day. —*Agreed.*

عن ابن عمر قال رسول الله صلعم من اقتنى كلبا الا كلب ماشية او ضار نقص من عمله كل يوم قيراطان (متفق عليه)

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796. One qirat is equivalent to ¼th of a dirham which is nearly four annas in Indian coin.

193. **Abdullah-b-Mugaffal** reported from the Prophet who said: Had not dogs been a being of beings, I would have certainly ordered their killing, the whole of them. So kill out of them every black beings.

Abu Daud, Darimi.

عن عبد الله بن مغفل عن النبي صلى الله عليه وسلم قال لولا ان الكلاب امة من الامم لامرت بقتلها كلها فاقتلوا منها كل اسود بهيم (ابو داود والدارمي)

194. **Ibn-Abbas** reported that the Messenger of Allah prohibited from setting animals to fight with one another —*Tirmizi, Abu Daud.*

عن ابن عباس قال نهى رسول الله صلى الله عليه وسلم عن التحريش بين البهائم (الترمذي وابو داود)

278w. **Jaber** reported: I heard the Messenger of Allah say: When you will hear the barking of dogs and braying of asses at night, seek refuge to Allah from the accursed devil, because they see what you do not see; and make your egress less when the beasts (lit. feet) frequent, because the Almighty and Glorious Allah spreads out His creatures at night so long as He wishes; and keep the doors shut up and take the name of Allah; because the devil does not open a door when it has been shut up; and take the name of Allah over it; and cover the jars and shut up the utensils, and bind the water-skins.

Sharhi-Sunnat.

عن جابر قال سمعت رسول الله صلعم يقول اذا سمعتم نباح الكلاب ونهيق الحمير من الليل فتعوذوا بالله من الشيطان الرجيم فانهن يرين ما لا ترون واقلوا الخروج اذا هدأت الارجل فان الله عز وجل يبث من خلقه في ليلته ما يشاء واجيفوا الابواب واذكروا اسم الله فان الشيطان لا يفتح بابا اذا اجيف وذكر اسم الله عليه وغطوا الجرار واكفئوا الآنية واوكوا القرب (شرح السنة)

279w. **Abu Sa'labah** narrates a 'Marfu' tradition: Jinn is of three kinds—one kind having wings fly in air, and one kind

عن ابي ثعلبة يرفعه الجن ثلاثة اصناف صنف لهم اجنحة يطيرون في الهواء

are the snakes and dogs, and one kind descend (in houses) and travel. —*Sharhi-Sunnat.*

وَصِنْفٌ حَيَّاتٌ وَكِلَابٌ وَصِنْفٌ يَحُلُّونَ وَيَظْعَنُونَ

(شَرْحُ السُّنَّةِ)

———):o:(———

CHAPTER XII

SECTION I

797. Poetry and Oratory

(a) Did Islam ban poetry? The Quran says: As to the poets, those who go astray follow them. Do you not see that verily they wander in every valley, and they say what they do not do (26: 225Q)? From this verse, it appears that the Quran prohibited poetry as unlawful, and condemned the poets in clear terms. This is far from truth. Those poetries which deal with immorality and frivolous love episodes and eulogy of polytheism were specially banned by this verse. This is clear from the fact that when the Holy Prophet was asked about illegality of poetry in the above verse, he replied: The believer fights with his sword and tongue. By Him in whose Hand there is my life, it is as if you (poet) are throwing at them the throwing of an arrow (12: 10). On another occasion he said: The good of it (poetry) is good and the bad of it is bad (12: 281w). From these as well as from other traditions in this section, it is perfectly clear that by the verse above quoted, only the poetries which have tendency to lead men to corrupt ways have been banned and deprecated. On the other hand good poetries were admitted by the Holy Prophet to contain great wisdom (12: 2). The Prophet himself had certain poets under him, namely Hasan-b-Sabet, Abdullah-b-Rawwahah and Ka'ab-b-Malek, to satirise the unbelievers in their very face. He even fixed a pulpit for Hasan-b-Sabet for openly satirising the enemies of Islam. He even prayed to Allah for helping Hasan with the Holy Spirit. Can there be any doubt from what has been given above that poetry was not banned by Islam?

(b) Did Islam ban oratary? Similar is the case with oratory. The good of it is good and the bad of it is bad. Oratory which helps the onward march of soul or helps in leading a man towards moral

and religious life, is good and lawful, but that which leads a man towards immoral life or at least, has got tendency towards such life has been banned by Islam. Oratory which captures the hearts of men towards Islam is perfectly good, but which ends in speech only without any pious intention in mind, is bad.

(c) **Did Islam destroy Pre-Islamic poetries ?** The answer must be in the strong negative. The accusation levelled against is only biassed from interested motives. The fact is that during the time of the Holy Prophet, all were engaged in propagation and defence of Islam. They had little time to engage their attention to poetical pursuits. Still the Holy Prophet and some of his companions encouraged satirical poets against the polytheists like Hassan-b-Sabet, Abdullah-b-Rawwahah and Ka'ab-b-Malek. Hazrat Ali did not even forget to compose some verses which have been collected in Diwane Ali. After the holy demise, the case with the Muslims remained the same. They were engaged in defence of the faith and internal management of the Government. Hence they had little time to study this branch of learning. Their first attention was directed towards collection of Quranic verses from various small fragments of manuscripts, and from parchments and stones and tablets of mind. After that they began to interpret the Quran and the meaning of its words. They found naturally difficulties in their task, till they turned to Pre-Islamic poetries for their true meaning. Ibn Abbas said: When you read anything in the book of Allah, and you don't know it, search it in the poetries of the Arabs because poetry is the register of the Arabs.* Thus the necessity of collecting Pre-Islamic poetries arose out of a desire of finding out true interpretation of the Quranic words. Islam, therefore, instead of keeping poetry in the back-ground, brought it to the fore-front. But for this collection, much of the Pre-Islamic poetries would have been lost to the world and we could not have found even the well-known seven suspended poems of Pre-Islamic poets.

(*d*) **Seven suspended poems.** (سبع المعلقات)

These are well-known to every student of Arabic literature. Their authors were Imrul-Quis, Juhair-b-Abi Salmah, Antarah-b-Shaddad, Labeed, Jiyad-b-Muwayiah, Amr-b-Kulsum and Tarafah b-Abd. They were the best among the Pre-Islamic poets and

* Umdah, Vol. 1, Page 7.

their poems called Sab'ul-Muallaqat were suspended in the walls of the Holy Ka'ba. These were therefore called suspended poems. These were also called golden verses as they were written in letters of gold and suspended in the Ka'ba.

(e) **Influence of the Quran on Pre-Islamic poets.**

The Quran contains so elegant a style, pure diction, high thoughts and great wisdom that it captured the imagination of Pre-Islamic poets, and none could compose even a verse like it, even though the challenge was put to them by the Holy Quran in the following verse: And if you are in doubt as to that which We have revealed to Our servant, then produce a chapter like it, and call on your helpers besides Allah if you are truthful—2: 23 Q. Similar challenge is in verses 10: 38 Q., 11: 13 Q., 17: 81Q. This challenge of the Quran remains unanswered up to this day. It is said that the following half-finished verse of the Quran was written and suspended in the Ka'ba: "And verily We gave you abundance of good." All the poets were asked to fill up the second line, but none could do it inspite of their joint efforts. Then the Prophet got revelation and joined the second verse: Therefore pray to your Lord and make sacrifice (108: 2 Q). As a result of this failure, great poets like Labeed and Ka'ab-b-Malek and Abdullah-b-Rawwahah accepted Islam. It is said that Pre-Islamic poet Tofail-b-Amr Sadusi came to the Holy Prophet and recited some verses to him. The Holy Prophet as a challenge recited the Chapter Ikhlas (112 Q).

"Qul-Huallahu Ahad (Say, He is Allah, the One)
Allahus Samad (He is without need)
Lam Ya'lid (He begets not,)
Walam Yu'lad (Nor is He begotten)
Walam Yakul lahu, Kufuwan Ahad (And none is like Him).*

The poet at once accepted Islam being charmed with pure diction of the Quran and its verses containing beauties of both prose and poetry. Such was the hold of the Quran on Arab minds. They therefore accepted the Quran as nothing but pure revelation, and Muhammad, (P. H.) being literally illiterate, could not himself have produced it. These poets not only accepted but helped Islam materially. Ka'ab-b Malek composed the famous Banate Su'ad in eulogy of the Holy-

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* *Kitabul Agani, Page 53, Vol. 12.*

Prophet. He was so pleased with it that he favoured him with his "burdah" (gown). The great poet Labeed who was one of the authors of the seven suspended poems, gave up Pre-Islamic ideas after Islam and devoted his life to the cause of Islam and its Prophet. The Holy Prophet liked his verse (everything besides Allah is void) better than any other poetry saying "The most true word ever uttered by a poet."

—:o:—

1. **Ibn Omr** reported that two men came from the east and delivered lectures. The people was astonished at their oratory. Then the Messenger of Allah said: Verily there is sorcery in some oratory.[799] —*Bukhari.*

عَنِ ابْنِ عُمَرَ قَالَ قَدِمَ رَجُلَانِ مِنَ الْمَشْرِقِ فَخَطَبَا فَعَجِبَ النَّاسُ لِبَيَانِهِمَا فَقَالَ رَسُولُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ إِنَّ مِنَ الْبَيَانِ لَسِحْرًا (البخاري)

2. **Obai-b-Ka'ab** reported that the Messenger of Allah said: Verily there is wisdom in poetry.[800] —*Agreed.*

عَنْ أُبَيِّ بْنِ كَعْبٍ قَالَ قَالَ رَسُولُ اللّٰهِ صَلَّى اللّٰهُ عَلَيْهِ وَسَلَّمَ إِنَّ مِنَ الشِّعْرِ حِكْمَةً (متفق عليه)

3. **Ibn Mas'ud** reported that the Messenger of Allah said: Undone are those who exaggerate in talks. He repeated it thrice. —*Muslim.*

عَنِ ابْنِ مَسْعُودٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم هَلَكَ الْمُتَنَطِّعُونَ قَالَهَا ثَلَاثًا (مسلم)

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799. During the time of the Holy Prophet, two men of Banu Tasmin tribe came from the eastern country to Arabia. One of them was Hussain-b-Udi surnamed Jaborqan, and another was Amr-b-Iktam. Jabarqan eulogised himself in eloquent and argumentative terms. Amr opposed it in vehement words and spoke ill of his adversary in bitter tongue. At this the Prophet remarked that there is sorcery in some oratory. The effect of sorcery is to make one forgetful of his affairs, and he is captivated by the charms of the sorcerer. Likewise oratory has got such powerful influence as to capture the imagination of the audience and carry them for the time being. There is difference of opinion whether, by this utterance, the Prophet made oratory unlawful as in the cases of sorcery. The general opinion is that if it is for truth and religion, it is lawful; and if it is for other objects it is unlawful.

800. It means that there are some poetries and poems which contain wisdom about the truth of the Quran, Hadis and Allah, but there are others which lead men to evil ways as they contravene the Shariat. The former is lawful, while the latter is unlawful. The latter deals with frivolous talks, novels, love-episodes and false descriptions.

4. **Abu Hurairah** reported that the Messenger of Allah said : The most true word (ever) utterd by a poet is the word of Labeed : Behold ! everything besides Allah is void.[801]

—*Agreed.*

عن ابی هریرة قال قال رسول الله صلی الله علیه وسلم اصدق کلمة قالها الشاعر کلمة لبید الا کل شیء ما خلا الله باطل (متفق علیه)

5. **Amr-b-Sharid** reported from his father who said : I rode behind the Messenger of Allah one day. He enquired : Have you got with you anything of the poetry of Omayyah-b-Abi Salt ?[802] 'Yes' said I. He said : Recite it. Afterwards I recited a verse to him. He said : Recite it. Then I recited a verse to him. He said : Recite it—till I recited to him one hundred verses. —*Muslim.*

عن عمرو بن الشرید عن ابیه قال ردفت رسول الله صلی الله علیه وسلم یوما فقال هل معك من شعر امیة بن ابی الصلت شیء قلت نعم قال هیه فانشدته بیتا فقال هیه ثم انشدته بیتا فقال هیه حتی انشدته مائة بیت (مسلم)

6. **Jundab** reported that the Messenger of Allah was in some fight and his fingers were bleeding. He said : Have you got but fingers bled, And in the way of Allah, what you met ?[803]

— *Agreed.*

عن جندب ان النبی صلی الله علیه وسلم کان فی بعض المشاهد وقد دمیت اصبعه فقال هل انت الا اصبع دمیت وفی سبیل الله ما لقیت (متفق علیه)

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801. Labeed was a great Pre-Islamic poet. He lived up to 157 years. He accepted Islam at the latter part of his life and gave up reciting frivolous poems after Islam. He composed this time after Islam a verse which the Prophet greatly liked.

802. Omayyah-b-Abi Salt was a Pre-Islamic poet belonging to the tribe of Saqif and was greatly versed in the Bible and other informations regarding religion. He dealt with many religious themes in his poetries such as resurrection, angels and accounts on the Judgment-day. He was a foreign poet and introduced many foreign words in his poetry. He died in 624 A. D.

803. The Holy Prophet cheered himself up with this piece of poetic composition, when he was afflicted and wounded at the battle of Uhud. He

7. **Bara'a** reported that the Messenger of Allah said to Hassan-b-Sabet at the battle of Quraizah : Satirize the polytheists, and verily Gabriel is with you. The Messenger of Allah was saying to Hassan : Respond on my behalf, O Allah ! help him with the Holy Spirit.[804] —*Agreed.*

عن البراء قال قال النبي صلى الله عليه وسلم يوم قريظة لحسان بن ثابت اهج المشركين فإن جبرئيل معك وكان رسول الله صلعم يقول لحسان اجب عني اللهم ايده بروح القدس متفق عليه

8. **Ayesha** reported that the Messenger of Allah kept a pulpit within the mosque for Hassan that he might take his stand thereon to take pride in the Messenger of Allah or to meet opposition. The Holy Prophet used to say : Verily Allah helps Hassan with the Holy Spirit as long as he meets opposition or takes pride in the Messenger of Allah. —*Bukhari.*

عن عائشة قالت كان رسول الله صلى الله عليه وسلم يضع لحسان منبرا في المسجد يقوم عليه قائما يفاخر عن رسول الله صلى الله عليه وسلم او ينافح ويقول رسول الله صلعم ان الله يؤيد حسان بروح القدس ما نافح او فاخر عن رسول الله صلعم (البخاري)

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recalled that his fingers were wounded and bled not for any other cause but for Allah and His religion. This recollection gave a great consolation to him, so much so that he rushed forward with some of his beloved companions and routed the enemy. This is also by way of teaching his followers that in case of affliction and wound in the way of Allah, patience should be taken with the hope of reward. The Prophet uttered this sentence as a consolation but not with the purpose of reciting a poetry. He was not a poet (36 : 69 Q).

804. Hassan-b-Sabet accepted Islam at the age of 60 years and lived in Islam for a period of another 60 years. He was a great poet both before and after Islam. He was a great satirical poet and was held in great awe by Pre-Islamic Arabs for his satires and poetical duels. That was considered more severe than the throwing of an arrow or the cut of a sword. After Islam, he was a great helper to the cause of Islam as he fought against the unbelievers on behalf of his Prophet with his satirical poetries. Banu Quraiza was a Jewish tribe living by the side of Medina. They were a constant source of troubles to the Prophet, and at the battle of the Allies, they broke treaty and fought openly against the Prophet with the Quraish. Thereafter the Prophet laid seige to their fort for a number of days to which they succumbed and surrendered.

9. **Abu Hurairah** reported that the Apostle of Allah said: To fill up the belly of a man with pus which destroys him is better than to fill up with poetry.[805] —*Agreed.*

عن ابي هريرة قال قال رسول الله صلعم
لان يمتلي جوف رجل قيحا يريه خير من
ان يمتلي شعرا (متفق عليه)

10. **Ayesha** reported that the Messenger of Allah said: Satirise the Quraish, and verily it is more severe on them than the throwing of an arrow.[806] —*Muslim.*

عن عائشة ان رسول الله صلعم قال اهجوا
قريشا فانه اشد عليهم من رشق النبل
(مسلم)

11. **Same** reported: I heard the Messenger of Allah say to Hassan: Verily the Holy Spirit will not cease to help you so long as you meet opposition for the sake of Allah and His Messenger. She said: I heard the Messenger of Allah say: Hassan satirised them and cured (Muslims) and also cured himself.[807] —*Muslim.*

عنها قالت سمعت رسول الله صلى الله
عليه وسلم يقول لحسان ان روح القدس
لا يزال يؤيدك ما نافحت عن الله و
رسوله وقالت سمعت رسول الله صلعم يقول
هجاهم حسان فشفى واشتفى (مسلم)

12. **Abu Sayeed-al-Khudri** reported: We were taking walk with the Messenger of Allah at Araz when lo! a poet came singing. Then the Messenger of Allah said: Take hold of the devil or stop the devil. To fill up the belly of a man with pus is

عن ابي سعيد الخدري قال بينا نحن
نسير مع رسول الله صلى الله عليه وسلم
بالعرج اذ عرض شاعر ينشد فقال رسول الله
صلعم خذوا الشيطان او امسكوا الشيطان لان
يمتلئ جوف رجل قيحا خير له من ان

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805. Similar idea was expressed in 12 : 13.

806. This shows that to satirise the polytheists and enemies of Islam is lawful. This should not, however, be first resorted to, as in that case it will invite criticism of the religion of Islam in return. This was prohibited by the Holy Quran in this verse: And don't rebuke those who call besides Allah, lest they should rebuke Allah out of enmity without knowledge (6 : 109 Q).

807. Hasan roused the feelings of the Muslims towards Islam by his poems.

better for him than to fill up with poetry.[809] —*Muslim*.

يملئ شعرا (مسلم)

13. **Anas** reported that the Refugees and Helpers were digging the Ditch and taking out earth while they were singing:

" We are those that have been
to Muhammad loyal,
Forever so long as we live, over
the battle."

The Holy Prophet was saying by way of reply to them:

"O Allah! there's no livelihood,
But the livelihood of the world
next,
So forgive those that have helped
And those that have fled."

—*Agreed*.

عن انس قال جعل المهاجرون والانصار يحفرون الخندق وينقلون التراب وهم يقولون

نحن الذين بايعوا محمدا

على الجهاد ما بقينا ابدا

يقول النبي صلعم وهو يجيبهم :—

اللهم لا عيش الا عيش الاخرة

فاغفر الانصار والمهاجرة

(متفق عليه)

14. **Abu Omamah** reported from the Prophet who said: Shame and control of tongue are two branches of faith, and indecency and exaggeration are two branches of hypocrisy.[810] —*Tirmizi*.

عن ابي امامة عن النبي صلى الله عليه وسلم قال الحياء والعي شعبتان من الايمان والبذاء والبيان شعبتان من النفاق (الترمذي)

15. **Abdullah-b-Omar** reported that the Messenger of Allah said: Verily Allah hates the orator among men who chews with his tongue as a cow

عن عبد الله بن عمر ان رسول الله صلى الله عليه وسلم قال ان الله يبغض البليغ من الرجال الذي يتخلل بلسانه كما يتخلل الباقرة

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808. Araz is a place near Mecca. The poet referred to here used to satirise the Muslims, Islam and the Prophet. The Prophet cursed such poets and such poetries and ordered to banish them. On the other hand, he recommended poetries that improve morality and religion of the people.

809. This shows how the Prophet as king, commander in-chief, and prophet worked side by side with his beloved companions. History will be baffled to point out one solitary instance of a person who held such spiritual and temporal sway over a nation. "He was the kingliest of kings and kingliest of men."

chews with its tongue.

—*Abu Daud, Tirmizi (Rare).*

بلساً نيها - ابوداود والترمذي (غريب)

16. **Anas** reported that the Messenger of Allah said: In the night in which I was taken to heaven, I passed by a people whose lips were being cut with scissors of the fire. I asked: O Gabriel! who are those? He said: These are the lecturers of your people who used to say what they did not do.

—*Tirmizi* (*Rare*)

عن انس قال قال رسول الله صلى الله عليه وسلم مررت ليلة اسري بي بقوم تقرض شفاههم بمقاريض من النار فقلت يا جبرئيل من هؤلاء قال هؤلاء خطباء امتك الذين يقولون ما لا يفعلون (الترمذي غريب)

17. **Abu Hurairah** reported that the Messenger of Allah said: Whoever learns ornamentation in speech in order to capture therewith the hearts of men or people, Allah will accept from him on the Resurrection Day no optional or compulsory duties.[811] —*Abu Daud.*

عن ابي هريرة قال قال رسول الله صلى الله عليه وسلم من تعلم صرف الكلام ليسبي به قلوب الرجال او الناس لم يقبل الله منه يوم القيمة صرفا ولا عدلا (ابو داود)

18. **Amr-b-al-As** reported that he said one day: And a man got up and lectured too much. Amr said: Had he been short in his lecture, it would have been certainly better for him. I heard the Messenger of Allah say: Indeed I have considered

عن عمرو ابن العاص انه قال يوما وقام رجل فاكثر القول فقال ولو قصد في قوله لكان خيرا له سمعت رسول الله صلى الله عليه وسلم يقول لقد رايت او امرت ان

810. Exaggeration in speech is a sign of hypocrisy. A true man must be one in heart and tongue. The hypocrite cannot retain such equilibrium of heart and tongue.

811. This is not bad in case the niyyat is for religion and for propagation of Islam. If, however, there is no object in ornamental lecture or the object if any is bad, such man will receive punishment as laid down in this tradition. Such lecture will make his actions both optional and compulsory void, and these will be of no use to him on the Resurrection Day.

or I have been ordered to be short in sermon; and verily shortness (in speech) is better.
—*Abu Daud.*

أَتَجَوَّزَ فِي الْقَوْلِ فَإِنَّ الْجَوَازَ هُوَ خَيْرٌ
(ابو داود)

19. **Sakhr-b-Abdullah-b-Buraidah** from his father from his grand-father reported: I heard the Messenger of Allah say: Verily there is sorcery in some speech, and verily there is ignorance in some learning, and verily there is wisdom in some poetry, and verily there is return in some speech.[812]
—*Abu Daud.*

عَنْ صَخْرِ بْنِ عَبْدِ اللهِ بْنِ بُرَيْدَةَ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ سَمِعْتُ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَقُولُ إِنَّ مِنَ الْبَيَانِ سِحْرًا وَإِنَّ مِنَ الْعِلْمِ جَهْلًا وَإِنَّ مِنَ الشِّعْرِ حُكْمًا وَإِنَّ مِنَ الْقَوْلِ عِيَالًا (ابو داود)

20. **Na'fa** reported: I was with Ibn Omar on a way. He heard (the voice of) a flute and put his fingers in his ears and turned from the way to another side. Then he said to me after he was in a distance: O Na'fe! do you hear anything? I replied: No. Then he raised up his fingers from his ears and said: I was with the Messenger of Allah. He heard the voice of a singing pipe and did what I have done.[817] Nafe said: I was then quite young.
—*Ahmad, Abu Daud*

عَنْ نَافِعٍ قَالَ كُنْتُ مَعَ ابْنِ عُمَرَ فِي طَرِيقٍ فَسَمِعَ مِزْمَارًا فَوَضَعَ إِصْبَعَيْهِ فِي أُذُنَيْهِ وَنَاءَ عَنِ الطَّرِيقِ إِلَى الْجَانِبِ الْآخَرِ ثُمَّ قَالَ لِي بَعْدَ أَنْ بَعُدَ يَا نَافِعُ هَلْ تَسْمَعُ شَيْئًا قُلْتُ لَا فَرَفَعَ إِصْبَعَيْهِ مِنْ أُذُنَيْهِ قَالَ كُنْتُ مَعَ رَسُولِ اللهِ صلعم سَمِعَ صَوْتَ يَرَاعٍ فَصَنَعَ مِثْلَ مَا صَنَعْتُ قَالَ نَافِعٌ وَكُنْتُ إِذْ ذَاكَ صَغِيرًا
(احمد وابو داود)

812. The learnings that cause ignorance are those which keep a Muslim from the knowledge of Shariat of Islam and the ultimate goal, or those which are of no use to men. True learning which gives true light is the learning of the Quran and Hadis and other religious literatures which greatly help the progress of soul. Some interpret it by saying that the learning which does not correspond to actions of a man has been said to cause ignorance. 'There is return in some speech' means that the speech returns to the speaker or the words spoken can not make the illiterate understand or that they are of no use to the literate who know them or who are more learned than the speaker.

817. The Holy Prophet did not prohibit Ibn Omar to hear the voice of the flute as he was young.

SECTION 2

816 MUSIC.

(a) Differences of opinion.

Music stands on the same footing with poetry. The good of it is good and the bad of it is bad (12 : 281w). There is however a great difference of opinion among principal jurists with regard to the legality or otherwise of music. Qazi Abu Tayyeb Tabari holds it as unlawful along with Imam Malek. Imam Shafeyi, Abu Hanifah, Sufyan Sauri and Hammad took the mean view and maintained that it is Makruh (abominable) bordering on illegality. Abu Taleb Makki, Imam Gazzali* and some modern jurists held it as lawful on the basis of the sayings and doings of some of the companions of the Prophet like Abdullah-b-Ja'far, Abdullah-b-Jubair, Mugirah-b-Shu'bah and Muwayiah. They were followed by Ata'a, Junaid and Abul Hasan-b-Salem. The right decision on this subject-matter regarding legality and illegality of music is that song is in itself lawful but it becomes unlawful (Haram), abominable (Makruh) and laudable (Mustahab) according to times, circumstances, places, motives and kinds of songs.

(b) Grounds of legality.

There are songs in nature, some with voice and some without voice. Birds sing, rivers sing, children are lulled into sleep by songs, labourers carrying big loads lift up strength by singing, washermen speed their work by singing, boatmen take courage in mid sea by songs, and active men give impetus to their works by songs So song lives in nature and has been created with nature. It can't be banished from nature. He who has got no music within himself is a man of hard heart, and the remotest of men from Allah is the hard heart (4 : 4)

Heart is the treasure-house of secrets. It can be opened by the key of songs. Heart is a mine of jewels. They are hidden in it as fire is hidden in stones, or as water is hidden underneath the ground. There's no way getting into these hidden jewels

* Imam Gazzali devoted a chapter on songs in his **Yahya-ul ulum**, Vol. II., P. 238. The decisions have been taken mostly from this book.

but by creation of commotion in heart. It is only music that can effectively create commotion in heart just as the throw of a stone in a tank creates commotion in water. Songs can therefore rouse up feelings of joy, sorrow and courage, and thus they give impetus to our actions and prayers. Sweet melodious songs take out what is in heart and expose its virtues and vices. Songs make the virtuous more virtuous and the sinners more sinful, as they rouse up virtues from a virtuous heart and sin from a sinful heart Hence they act differently in different minds though they are by themselves not unlawful as the same rain-water produces sweetness in mangoes and bitterness in aloes.

Allah is beautiful and He loves beauty (Hadis). As we are to follow the attributes of Allah according to the instruction of the Holy Prophet, we should also love beauty in nature to realise the Great Beautiful. There is no harm therefore in appreciating and realising beauty in the various phenomena of nature with that great object in view. Beauty can be realised through sense organs—eye, ear, nose, hand, tongue, brain and heart. The fragrance of a flower can be appreciated by sight and smell, softness by touch, foods by tongue, wisdom by brain and love by heart. This realisation of natural beauty is certainly not unlawful. Similarly to hear by ear melodious songs and music is not also unlawful. We come therefore now to sweet voice.

Sweet voice is a precious thing and there was no Prophet who had not sweet voice (12 : 25). The Almighty likes sweet voice, and not to speak of men. He says : And lower your voice ; verily the most detestable of voices is certainly the braying of the asses (81 : 19 Q). He said about Prophet David : We gave David excellence from Us (34 : 10 Q). This excellence has been explained to be melodious voice. David could sing so well with his religious scripture 'Zabur' that four hundred men, it is said, breathed their last every day in his assembly of music. The Holy Prophet said : Allah heard nothing(sweeter) than what he heard from the Prophet—his singing with the Quran-37 : 59. Therfore sweet voice is liked by the Creator and also by the created. Sweet voice is of two kinds—rhythmical and rhythmless. Rhythmical sweet voice is more pleasing than the rhythmless sweet voice. The former includes songs and poetries and the latter general talks. The good of general talk and poetry is good and the bad of general talk and poetry is bad—12 : 281 w. Similarly, the good

of music is good and the bad of music is bad. The same thing in the world has got good and bad effects. Food is lawful but the excessive quantity is unlawful. Even a moderate quantity of food becomes unlawful for a man of sudden high inflammation of bowel-intestines. The same is the case with music. It has been stated in the Hedayah that the word 'unlawful' can not be used if there is no express provision in the Quran.[1] Maulana Abdul Haq of Delhi discussed about song in his book.[2] and said that the good of it is generally lawful. Hence the good songs are allowed.

(c) **Difference kinds of songs** This takes us to deal with the different kinds of songs on different occasions.

(i) **War-song**. It is unanimously lawful in Zihad and other hard struggles in the way of Allah. It excites heroism and valour in the minds of the general public to take the sword for the cause of Allah. In this sense, heroic poems are also lawful. Hazrat Ali and Khalid and even the Holy Prophet used sometimes to have recourse to this method to rouse up dormant feelings of soldiers of Islam. He permitted poets Hassan-b-Sabit, Abdullah-b-Rawwahah and Ka'ab-b Juhair for this purpose. The Prophet once went to Rubai and saw some young girls beating 'daf' and singing the deeds of the martyrs of the Battle of Badar. At that time, one of them was singing "And in our midst there is a Prophet who knows what will occur to-morrow.' He said : Give it up and say what you were saying (27 : 45). At the time of actual fight and in the act of defence, such songs have been prescribed (12 : 23). Thin low voice and its instruments are not allowed in war as instead of rousing up courage, they bring grief and cowardice.

(*ii*) **Song in religious acts.** This is also allowed for a pilgrim in order to remove loneliness or acute feeling of absence from home. These songs may deal with the descriptions of the Holy Ka'ba and the rewards for pilgrimage. In prayers, songs with the Quran are allowed. In invocations and supplications, songs in any language are also allowed. The Holy Prophet said : He is not of us who does not sing with the Quran (37 : 61). Adorn the Quran with your voice (37 : 66). Allah is not attentive to anything what He is attentive to His Prophet—his excellent loud voice with the Quran-reading (37 : 60). Abu Musa was once praised by the Prophet for his excellent Quran reading saying : You have been given the melodious flute like

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[1] Hedayah, 4th. Part, p. 436. [2], Mudarezun Nabuwwat, p 512.

the melodious flute of the family of David (Hadis). Read the Quran with your best voice, because good sound adds beauty to the Quran (37 : 598w).

(iii) **Love-songs for Allah**. To realise the beauty of Allah either by the songs dealing with the descriptions of His attributes or with His workmanship as revealed in nature is not only lawful as aforesaid but Mustahab (laudable) if such song increases love for Allah and purifies the heart. It is only the heart that is examined by Allah for salvation. The Prophet said : Verily Allah looks not to your figures, nor to your wealth, but He looks to your hearts and deeds (1 : 3). Song is the best means to stir up the heart and to set it in motion in the path of love of Allah. The followers of 'Ma'arfat' find extreme pleasure to rouse up their feelings of love towards the Almighty by songs.[1]

(iv) **Mourning songs**. Mourning is concerned with two things—with past things or dead friends and relatives, or by way of repentance for past sins. The former is unlawful while the latter is perfectly lawful. The Quran says : So that you may not greive for what missed you (57 : 23 Q). Mourning songs or Marsiyah for the dead have been prohibited (Haram) though weeping for three days is allowed. The Prophet David's psalms for past wrongs are well-known and the Bible deals elaborately with his psalms. This shows that songs by way of repentance for past wrongs and sins are lawful.

(v) **Love-songs.** Such songs are lawful if the object of love is lawful, and unlawful if the object of love is unlawful. Songs for increasing love for legally married wives comes under the former category while songs for strange women or such songs as excite love for strange women or as have tendency towards immorality are unlawful. Descriptions of beauties of women and beardless boys in general come within illegality. The reason of prohibition is that the harms brought by such songs are greater than their benefits. This was also the reason why wine was prohibited.

(vi) **Songs out of joy.** Songs arising out of joy and on occasions of festivals are generally lawful. These are the following occasions of joy on which songs are usually held.

(1) **Marriage.** In marriage and marriage feast, innocent songs attended with beating of 'daf' and some musical instruments are unanimously lawful. There are innumerable occasions on which the Holy Prophet

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[1] Durre Mukhtar (3rd, Vol., P. 475.)

allowed them. When a woman was married to an Ansar, Prophet said : Was there no amusement with you ? Verily the Ansars love amusement(27 : 46.). He said on another occasion : Proclaim this marriage, solemnise it in mosques, and beat 'daf' over it (27 : 47). Once the Prophet said to Ayesha when the latter gave her adopted daughter in marriage : O Ayesha ! why have you not sent girls to sing, because this tribe of the Ansars love songs ? Some companions said : (Singing) has been made lawful for us in amusement at the time of marriage (27 : 51). For further light, see note 1331.

(2) **I'd festivals.** There are only two great festivals in Islam, the festivals of Id-ul-Azha and Id-ul-Fitr. As there is no provision for any other festival, some amusements are allowed with songs and plays (12 : 22) in these two festivals like the festival of marriage. See note 1996 for further discussion.

(vii) **Songs on other occasions**. Songs are lawful by way of amusements on the arrival of a guest or a great man or a relative from a distant land, or on the birth of a son or daughter, or on the occasion of circumcision ceremony. The Prophet was sometimes greeted with songs and beatings of 'daf' on his arrival from Zihad. Once a woman made a vow that she would sing with daf on the occasion of the arrival of the Prophet. The Holy Prophet allowed her to fulfil her vow in this way (24 : 32). Hedayah says : Whoso is called to a marriage-feast or a simple feast and finds therein plays or songs, there's no harm for him to sit there and and to take food.[1] General innocent songs which have got no tinge of immorality therein or obscene descriptions are lawful. Once the Negroes were playing by beating 'dafs' within the mosque. The Holy Prophet saw the play with Ayesha (2 : 52). So also the case about singing for oneself or musing within oneself. Imam Abu Hanifa says : As for one who sings for himself to remove loneliness or to gain pleasure of soul, there's no harm in it. On the contrary if there is admonition therein, it is unanimously lawful.[2] Hedayah and Alamgiri corroborate it. It has been narrated[3] that some companions indulged in such innocent songs. Those were Abdur Rahman-b-Auf, Sa'ad-b-Abi Waqqas, Abu Mas'ud Ansari, Bilal, Abdullah-b-Ayham, Abdullah-b-Ja'far and others.

(d) **Instruments of songs.** The above decisions are also applicable in the instruments of songs. Instruments add beauty, rhythm

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1. Hedayah, 4th Vol., P. 439. 2. Durre Mukhtar Vol. 14, P, 59,
3. Umdatur Ruwaya and Quduri,

and continuity to sweet voices. When the song is good and lawful, it can be lawfully sung with instrument and when the song is bad and unlawful, it is also unlawful to play musical instruments. There were many occasions on which the Prophet allowed the beating of 'Daf' which was then prevalent in Mecca and Medina. If 'Daf' was allowed, there is no reason why the other musical instruments are unlawful. There are, however, some exceptions. It is unanimously unlawful to play on such musical instruments as were connected with wine-drinking and prostitution such as أَوْتَار (such musical instruments as have got strings), and مَزَامِير (such musical instruments as have got chords like harmonium) and الْكُوبَة (drum)[1] They were made unlawful as they remind people of unlawful things, such as wine-drinking and commission of forntication.

(e) **Unlawful songs.** Besides what has been narrated above, it may be noted that immoral songs or songs that have got tendency towards misguidance and immorality are unlawful. Innocent songs also become unlawful when sung by grown up girls in the midst of men because they have greater probability of rousing up passions. Similar is the case with young beardless boys who sing in the midst of women and girls or in the midst of immoral men.[2] In this sense, organised singing and band parties as in theatres and bioscopes or in thousand other performances are unlawful, because there are men and women present there whose passions are roused up by the shows and because they contain generally love-songs and love-pictures. The general public have got a very low hold on their passions and therefore utmost preventive measures have been taken by Islam by making such songs illegal. It must be noted that the Prophet did not himself indulge in frequent songs and amusements as these are after all the vain things of this world. We Muslims also should guard ourselves against any loophole of corruption. (Allah knows best)

21. **Abu Omamah** reported that the Apostle of Allah said: Sell not singing girls, nor buy them, nor train them, and their price is unlawful. And in accordance with it, it

عَنْ أَبِي أُمَامَةَ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ لاَ تَبِيعُوا الْقَيْنَاتِ وَلاَ تَشْتَرُوهُنَّ وَلاَ تُعَلِّمُوهُنَّ وَثَمَنُهُنَّ حَرَامٌ

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[1] Yahaya of Imam Gazzali, Vol. 2., Page 249. [2] Durre Mukhtar.

وفي مثل هذا أنزلت ومن الناس من يشتري لهو الحديث (أحمد وابن ماجة والترمذي — غريب).

was revealed: And of men, there are those who purchase frivolous conversation.[818]

Ahmad, Ibn Majah, Tirmizi (Rare)

عن عائشة قالت إن أبا بكر دخل عليها وعندها جاريتان في أيام منى تدففان وتضربان وفي رواية تغنيان بما تقاولت الأنصار يوم بعاث والنبي صلى الله عليه وسلم متغش بثوبه فانتهرهما أبو بكر فكشف النبي صلى الله عليه وسلم عن وجهه فقال دعهما يا أبا بكر فإنها أيام عيد وفي رواية يا أبا بكر إن لكل قوم عيدا وهذا عيدنا

(متفق عليه)

22. **Ayesha** reported that Abu Bakr came to her while there were two girls near her in the days of Mina. They were playing on 'daf' and beating. (And in a narration: They were singing with what the Ansars sang on the Day of Buas) while the Prophet was covered with his cloth. Abu Bakr threatened them. Then the Prophet disclosed his face and said: Leave them, O Abu Bakr, because these are the days of festival. And in a narration: O Abu Bakr! verily there is festival for every people, and this is our festival.[819]

—*Agreed.*

عن البراء قال كان رسول الله صلى الله عليه وسلم ينقل التراب يوم الخندق حتى اغبر بطنه يقول :—

23. **Bara'a** reported that the Apostle of Allah was digging earth on the Day of the Ditch till his belly was covered with earth. He was singing:[820]

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818. This was revealed at a time when Nazar-b-Haris purchased some singing girls. The purchase of singing girls and selling them for such purpose are strictly unlawful. This verse is said to have prohibited songs. It is said, however, by Imam Gazzali that this applied to those who purchase songs in exchange of the religion of Islam and contrary to the teachings of the Quran.

819. So it appears that on I'd days, innocent songs and playing on musical instruments are allowed.

820. The battle of the Allies or the Ditch took place at 5 A. H. The Quraish were 24,000 in number aided by the Jews, Christians and the hypocrites, and the Holy Prophet had only 2000 untrained Muslims to combat them. At this juncture, the Holy Paophet with his companions dug a ditch at the instance of Salman the Persian in the southern side of Medina

But for Allah we would
not have been guided,
Nor have been charitable,
nor have prayed,
So on us, send down peace,
And make the feet firm,
if we meet
Verily the first has against
us rebelled
When they wished combat,
we refused.

He was raising up his voice therewith : We refused, we refused. —*Agreed*

اغبر بطنه يقول ـ
واللّٰه لولا اللّٰه ما اهتدينا ـ
ولا تصدقنا ولا صلينا ـ
فانزلن سكينة علينا ـ
وثبت الاقدام ان لاقينا ـ
ان الاولى قد بغوا علينا
اذا ارادوا فتنة ابينا
يرفع بها صوته ابينا ابينا
(متفق عليه)

24. **Anas** reported that the Holy Prophet had a camel-driver called Anjashah. He had sweet voice. The Holy Prophet said to him : O Anjashah ! drive on slowly. Don't break the glasses. *Qatadah said : He meant the weak of the women.*[821] —*Agreed.*

عن انس قال كان للنبي صلى اللّٰه عليه وسلم حاد يقال له انجشة وكان حسن الصوت فقال له النبي صلعم رويدك يا انجشة لا تكسر القوارير قال قتادة يعني ضعفة النساء
(متفق عليه)

who was open to attack. The Prophet participated in digging earth like an ordinary labourer, and every Muslim being covered with earth and dust began to sing these verses in chorus composed by Abdullah-b Rawwahah, repeating the last line with a loud voice. The enemies were after all routed through the grace of the Almighty.

821. The camel drivers' songs in rhythmic foot-steps of camels as they go on in journey are quite lawful according to the unanimous opinion of the jurists. This shows that in order to enliven spirit and mind at the time of fatigue, some sort of pure innocent songs are allowed. The Holy Prophet himself practised it as this tradition shows. When camels hear sweet songs, they walk fast. The Prophet therefore instructed his driver Anjashah to drive the camel slowly as there were women-riders on the back who were not accustomed to great jerkings caused by the onward march of speedy camels. Some interpret it by saying that sweet songs might captivate the minds of the women-riders who were prone to easy love and passion.

25. **Qatadah** reported that the Messenger of Allah said : Allah sent no prophet but had no sweet voice.[822] —*Tirmizi.*

عن قتادة قال قال رسول الله صلعم ما بعث الله نبيا إلا حسن الصوت (الترمذي)

283w. **Jaber** reported that the Messenger of Allah said : Song generates hypocrisy in heart as water grows crops.[823] —*Baihaqi.*

عن جابر قال قال رسول الله صلعم الغناء ينبت النفاق في القلب كما ينبت الماء الزرع (البيهقي)

284w. **Abu Omamah** reported that the Messenger of Allah said : None raised up his voice with a song but Allah sent for him two devils upon his shoulders who beat his chest with their heels till he stopped.[824] —*Tibrani*

عن أبي أمامة قال قال رسول الله صلعم ما رفع أحد عقيرته بغناء إلا بعث الله له شيطانين على منكبيه يضربان بأعقابهما على صدره حتى يمسك (الطبراني)

CHAPTER XIII

SECTION 1

824. Debt (دين)

(a) Siginificance of Debt. Debt implies want, and all creatures including man are in want of something or other. Only the Almighty Allah is without want. He is alone Self-sufficient (114 : 2 Q). Therefore all in want and helplessness should seek help from

822. There is a great significance in this statement. Prophets were sent for propagation of Islam which began from Adam. In order that the people might effectively hear their words, they were given musical voice. This shows that there is necessity of music to make the people hear. The Quran was revealed with the best sounds and with the best inner meanings.

823. Polytheism and hypocrisy are the greatest sins in Islam. See note 364 for full discussion. The causes which create these sins must be first eradicated. The Holy Prophet speaks of bad songs attended with musical instruments as the causes of hypocrisy. The truth of this assertion is to be found in the fact that the persons who love songs with musical instruments are morally bankrupt in majority of cases.

823a. This applies to bad and immoral songs. This tradition has been taken from Yahyaul Ulum of Immam Guzzali—Vol. II., P. 251.

One who has got no want. But even without seeking, He is helping us at every moment. We are therefore greatly indebted to Him, indebted for our temporal and spiritual needs. Man also should imbue himself with divine attributes (Hadis). He should extend his helping hand to his brother who is in want, irrespective of his seeking it or not. This may be done in two ways : Loan with condition of repayment or gratuitous loan without any compensation, or gift. The case of gift has been dealt in note 966. Islam, however, does not recognise loan with interest It recognises only gratuitous loan (قرضة حسنة). How far it is successful as a wordly policy for wordly business, only time will judge. The recent legislations and legislative efforts for reducing interests are sufficient indications. The Quran and Hadis speak of great merits in Qarze Hasanah. Nobody likes the pound-of-flesh policy of Shylock the Jew in قرضة حسنة . It is a loan without compensation or interest for benefit of the debtor. The Holy Quran says : If you offer to Allah a gratuitous loan, He will double it for you and forgive you—64 : 17 Q. Surely (those who) extend a gratuitous loan to Allah, it shall be doubled for them, and they shall have a noble reward—57 : 18 Q. Who is there that will extend to Allah a good loan ; so He will double it for him, and he shall have an excellent reward—57 : 11 Q ? Who is it that will offer to Allah a good loan, so He will multiply it to him manifold ? And Allah straitens and amplifies, and to Him you will return—2 : 245 Q. There is another significance of 'Dain' in its wider sense. That comprises all rights of men such as dues of property, honour and backbiting. A man backbites another and destorys his honour. This is a debt due to the backbited person for his diminution of honour before the public.

(b) **No intrinsic value of coins.** The Holy Prophet left no stone unturned in teaching what will come to pass up to the Day of Resurrection. He solved the question of debtors and creditors, capital and labour, 14 hundred years ago, which remains still a puzzle to many civilized nations of the modern world. He thought that silver and gold are mere pieces of stones and have got no intrinsic value of their own. Their value lies only in their exchanging power which supplies us food, clothing and abode. Everyone requiring these things should be helped first with them, and in default with the exchanging factor which forms therefore the nucleus of trade and commerce.

(c) **Warning against indebtedness.** Islam lays special emphasis against indebtedness of men in general and Muslims in particular. The principle is applicable to nations and estates. What is true to individuals is true to nations and governments. Debt ruins a man. So also it ruins nations and estates. This can be easily guessed from the severe warnings that are given to debts left unsatisfied by the creditor nations. All the sins of a martyr may be forgiven except debt—23 : 19, 20 ; and the Prophet did not himself said funeral prayer over a deceased debtor who left nothing to satisfy his debt—13 : 8. Such being the great warning, greatest precaution should be taken in contracting debts. Payment of debt is a first charge upon the estate of the deceased, because the soul of a man remains confined until his debts are satisfied—13 : 13 ; 22 : 39. Such being the stress laid by Islam about unsatisfied debts, the Muslims should remain always free from debt, as there is no trust in breath. Curious it is that they are the major victims of creditors. Looking to another side, it is seen that there is absence of peace of mind in the mind of a debtor and therefore he knows no rest. Such mind cannot be a fountain of wisdom and knowledge. Therefore a debtor should try to remain free from debt and pray as follows : O Allah ! I seek refuge to Thee from overwhelming debt and oppression of men—38 : 186. Even when the deceased leaves no property, his heir should satisfy the debt—36 : 8. There is stress even on intention of taking a loan. The Prophet said : Whoever takes a loan with intention of not returning it is a thief—1 : 9. Debtors are even entitled to Zakat though they have got property.

(d) **Generally neglected debts.** The following are some of the neglected debts to which men attach little importance :—

(*i*) **Dower-debt.** It is a debt of the husband as consideration of marriage. It is just like other bonafide debts. Property given to a wife in lieu of dower cannot be taken by other creditors.

(*ii*) **Dues of co-sharers.** This specially happens in cases of females who are generally deprived of their due and legitimate shares in paternal property. No account among several co-owners of a property or business is regularly kept in majority of cases. This is suicidal from a secular and religious point of view.

(*iii*) **Dues of servants and slaves.** These dues should be paid as early as possible. The Holy Prophet said : Give the labourer his dues before his sweat dries up (19 : 6).

(*iv*) **Debts of honour.** These are presents of those who gave them at

the time of marriage or other ceremonies in expectation of return on similar occasions.

(e) **Formalities of loan**. Loans may be contracted for necessities of life and up-keep of religious, missionary or zihad activities. The Holy Prophet is seen to have contracted debts at times to procure food and articles of war (13 : 10). The following formalities must be observed in a loan. (*i*) It must be put in black and white. (*ii*) The scribe is to write according to the dictates of the debtor himself, or if he is unsound or minor, of his guardian. (*iii*) There shall be at least two witnesses to the transaction. (*iv*) There should be clear mention of time when the loan will be repaid. The Quran says to this effect : O you who believe ! when you deal with each other in contracting a debt for a fixed time, write it down and let a scribe between you write down with fairness (2 : 282 Q).

(f) **Duties of creditors**. As Islam lays special stress towards satisfaction of debts and loans, it does not forget to regulate the duties of creditors towards debtors. As is the case with individuals, so is with nations. The creditor nations should extend lenient hand towards nations in debt. The very principle of the Quran is to encourage culture of virtues in this world. The debtors who are unable to pay should be shown absolute leniency; and in fit cases,the entire debt should be remitted. The Holy Quran says : And if the debtor is in straitness, then let there be postponement until he is in ease, and if you remit it as alms, it is better for you if you know (2 : 280 Q). Therefore lenient dealings, and postponement of demand and ultimately remission in case of inability of payment have been recommended by the Holy Quran and Hadis. The merits of such a treatment have been promised in Hadis 13 : 288w. Creditors cannot accept advantage over debtors. They cannot accept presents from the debtors unless there was such practice previous to the loan—13 : 20, 18.

(g) **Debts of a poor man** shall paid by the Estate. In case of poor debtors leaving nothing to satisfy their debts, the Estate should clear off their incumbrances by payment from the Public Treasury. The Holy Prophet undertook this burden upon his government—22 : 39, 48 ; 13 : 12.

Contents—

Best man is he who is best in payment of debt — 13 : 4, 5 ; there is the right of a demand for a creditor—13 : 5 ; delay of a rich man in payment

of debt is oppression—13 : 6 ; intention greatly helps payment—13 : 9 ; greatest sin after major sins is debt—13 : 14 ; excess over principal is lawful if no demand—13 : 15 ; present of a debtor to creditor unlawful — 13 : 20 ; entire property of a deceased debtor may be sold for debt—13 : 28 5w. A debtor can never enter Paradise—13 : 29Dw.

(1) **Abu Hurairah** reported that the Messenger of Allah said : There was a man who used to give loan to the people. He used often to say to his son : When you come to a needy man, grant him remission, so that Allah may remit us (of sins). He said that he then met Allah and He granted him pardon —*Agreed*.

عن ابي هريرة ان النبي صلعم قال كان رجل يداين الناس فكان يقول لفتاه اذا اتيت معسرا تجاوز عنه لعل الله ان يتجاوز عنا قال فلقي الله فتجاوز عنه

(متفق عليه)

2. **Abul-Yasar** reported : I heard the Messenger of Allah say : Whoso gives respite to a debtor or grants him remission, Allah will give him shade under His shade.[825] —*Muslim*.

عن ابي اليسر قال سمعت رسول الله صلعم يقول من انظر معسرا او وضع عنه اظله الله في ظله (مسلم)

3. **Abu Qatadah** reported : I heard the Holy Prophet say : Whoso gives respite to a debtor or grants him remission, Allah will save him from the calamities of the Resurrection Day. —*Muslim*.

عن ابي قتادة قال سمعت رسول الله صلعم يقول من انظر معسرا او وضع عنه انجاه الله من كرب يوم القيامة (مسلم)

4. **Abu Rafe'** reported that the Messenger of Allah took loan of a young camel. Afterwards, camels of zakat were brought to him. Abu Rafe' said :

عن ابي رافع قال استسلف رسول الله صلعم بكرا فجاءته ابل من الصدقة قال

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825. On the Resurrection Day, there will be intense heat and there will be no place to find shelter or shade to save oneself. Things will become such as "no eye hath seen, no ear hath heard, and no heart hath conceived." In that grave hour of crisis, the only solace will be to find shade under His shade. Those who remit loans to a distressed man may find such a shade.

He directed me to repay a youg camel to the man. I said : I don't find except a good camel of four years old. Then the Holy Prophet said : Give it to him, and verily the best of men is he who is best among them in payment.[826]

—*Muslim.*

ابو رافع امرني ان اقضي الرجل بكرة فقلت لا اجد الا جملا خيارا رباعيا فقال رسول الله صلعم اعطه اياه فان خير الناس احسنهم قضاء (مسلم)

5. **Abu Hurairah** reported that a man demanded of the Holy Prophet for repayment of a loan and was greatly harsh to him. His companions were about to attack him, but he said : Leave him, as the creditor has got a demand.[827] Buy a camel for him and give it to him. They said : We don't but find senior to it in years. He said : Then buy it and give it to him, and verily the best of you is he who is best of you in repayment of loan. —*Agreed.*

عن ابي هريرة ان رجلا تقاضى رسول الله صلى الله عليه وسلم فاغلظ له فهم اصحابه فقال دعوه فان لصاحب الحق مقالا واشتروا له بعيرا فاعطوه اياه قالوا لا نجد الا افضل من سنه قال اشتروه فاعطوه اياه فان خيركم احسنكم قضاء (متفق عليه)

6. **Same** reported that the Messenger of Allah said : Delay of a rich man is oppression ; but when someone of you is entrusted to a rich man, let him accept the trust.[828] —*Agreed.*

عنه ان رسول الله صلعم قال مطل الغني ظلم فاذا اتبع احدكم على مليء فليتبع (متفق عليه)

826. This important pronouncement bespeaks of a great policy for wordly business, and this is the real solution of quarrels and disputes between creditors and debtors. Extreme leniency to debtors and favour to creditors are both bad. Islam inculcates the middle path for smooth working of wordly business. It recognises rights of creditors and liabilities of debtors. Had there been no such recognition, there would have been dead-lock in monetary transactions.

827. The creditor is entitled to a demand for payment of a loan, and it is not sinful if the demand be rather harsh, but the best one is he who makes his demand good. It is therefore seen that in case of non-payment, demand can be made and it is a condition precedent to any litigation. It may be made before court or arbitrator in the form of complaint.

828. Delay of a solvent man in repaying debts, loans and prices of things is more heinous. It is nothing but committing the sin of oppression. The theologians hold that testimony of such a man cannot be accepted. If a debt is handed over by the debtor to a solvent man for payment of the loan to the creditor, the latter should accept it.

7. **Ka'b-b-Malek** reported that he made demand to Ibn Ali Hadrad within the mosque of a loan which he owed to him at the time of the Holy Prophet. Their voices were so loud that the Prophet heard it while he was within the mosque. The Holy Prophet came out to him till the screen of his room was exposed He called Ka'ab-b-Malek. He asked : O Ka'ab ! 'Present' replied he 'O Messenger of Allah ! Then he hinted with his finger : Remit half of your debt. Ka'ab said : O Prophet of Allah! I have just done." **He** said (to debtor): Get up, and pay it remaining half)[829]

—*Agreed.*

عن كعب بن مالك انه تقاضى ابن ابي حدرد دينا له عليه في عهد رسول الله صلعم في المسجد فارتفعت اصواتهما حتى سمعها رسول الله صلعم وهو في بيته فخرج اليهما رسول الله صلعم حتى كشف سجف حجرته ونادى كعب بن مالك قال يا كعب قال لبيك يا رسول الله فاشار بيده ان ضع الشطر من دينك قال كعب قد فعلت يا رسول الله قال قم فاقضه (متفق عليه)

8. **Salamah-b-al Akwa'a** reported : We were seated near the Holy Prophet when a dead body was brought for prayer. They said : Say prayer for him. He said : Is there any debt due from him ? They replied "No". Then he led prayer for him. Then another dead body was brought. He enquired : Has he got any dues ? 'Yes' it was said. He asked : Has he left anything ? They replied : Three dinars. Then he led prayer for him. Afterwards a third one was brought. He asked : Has he got any debt ? They replied : Three dinars. He said : Has

عن سلمة بن الاكوع قال كنا جلوسا عند النبي صلعم اذ اتي بجنازة فقالوا صل عليها فقال هل عليه دين قالوا لا فصلى عليها ثم اتي بجنازة اخرى فقال هل عليه دين قيل نعم قال فهل ترك شيئا قالوا ثلاثة دنانير فصلى عليها ثم اتي بالثالثة فقال هل عليه دين قالوا ثلاثة دنانير قال هل ترك شيئا

829. This shows that the teachings of the Holy Prophet were all directed to remove human sufferings and wants. For this he has been termed 'mercy of the worlds'—(21 : 107 Q). It appears that demand for repayment of a loan within the mosque is lawful and that there should be settlement, between debtors and creditors in case of contest.

he left anything? "No" replied they. He then said: Say prayer for your companion. Abu Qatadah requested: Say prayer for him, O Messenger of Allah; his debt is upon me. Then he led prayer for him.[830] —*Bukhari.*

قالوا لا قال صلوا على صاحبكم قال ابو قتادة صل عليه يا رسول الله وعلى دينه فصلى عليه (البخاري)

9. **Abu Hurairah** reported that the Messenger of Allah said: Whoso takes loan of the properties of men intending to pay it back, Allah gives him means to pay it, and whoso takes loan intending to destroy it, Allah will destroy him for it. —*Bukhari.*

عن ابي هريرة عن النبي صلعم قال من اخذ اموال الناس يريد اداءها ادى الله عنه ومن اخذ يريد اتلافها اتلفه الله عليه (البخاري)

10. **Abu Qatadah** reported that a man enquired: O Messenger of Allah! inform me that if I be killed in the way of Allah, patient, hopeful of reward, advancing forward without retreating, Allah will whether forgive my sins. "Yes" replied the Apostle of Allah. When he retraced his steps, he called him and said: Yes, except debt. Thus said Gabriel.[831] *Muslim.*

عن ابي قتادة قال قال رجل يا رسول الله ارايت ان قتلت في سبيل الله صابرا محتسبا مقبلا غير مدبر يكفر الله عني خطاياي فقال رسول الله صلعم نعم فلما ادبر ناداه فقال نعم الا الدين كذالك قال جبرئيل (مسلم)

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830. We can guess from this Hadis what a great stress was laid by the Holy Prophet for repayment of debts and loans. Yet inspite of this, we are forgetful or unmindful of what we have got as dues and even venture to deny the loan altogether when demanded. This does not mean that the Holy Prophet prohibited funeral service over a deceased debtor. Imam Shafeyi and others hold it lawful irrespective of the fact whether the debtor left any property or not. Imam Abu Hanifa holds funeral service on a debtor as unlawful. Imams Abu Yusuf and Muhammad differ from their master and say that security is sufficient for a deceased debtor who left no property.

831. Rights of men upon men are great, and the sin of infringement of a right is not forgiven till the man to whom the right is due forgives the defaulter. How many of us neglect this great pronouncement of the Holy Prophet and even deny loans taken on bonds, handnotes, receipts and documents.

11. **Abdullah-b-Amr** reported that the Apostle of Allah said: Every sin of a martyr shall be forgiven except debt.[832] —*Muslim.*

عن عبد الله بن عمرو ان رسول الله صلعم قال يغفر للشهيد كل ذنب الا الدين (مسلم)

12. **Abu Hurairah** reported that a dead man leaving debt due from him, being brought before the Messenger of Allah, was asked: Has he left any source of payment for his debt? If he was informed that he left means for payment, he said funeral prayer, but if not, he used to address the Muslims: Say prayer for your companions. When Allah granted him victories, he stood and said: I am an object of love of the Muslims more than themselves. So whoso among the believers dies and leaves debt, then its payment is on me, and whoso leaves property, it is for his heirs.[833] —*Agreed.*

عن ابي هريرة قال كان رسول الله صلعم يؤتى بالرجل المتوفى عليه الدين فيسال هل ترك لدينه قضاء فان حدث انه ترك وفاء صلى والا قال للمسلمين صلوا على صاحبكم فلما فتح الله عليه الفتوح قام فقال انا اولى بالمؤمنين من انفسهم فمن توفي من المؤمنين فترك دينا فعلى قضاؤه ومن ترك مالا فهو لورثته (متفق عليه)

13. **Abu Hurairah** reported that the Messenger of Allah said: The soul of the believer remains hanging with his debt till it is paid. *Shafeyi, Ahmad, Tirmizi, Ibn Majah.*

عن ابي هريرة قال قال رسول الله صلعم نفس المؤمن معلقة بدينه حتى يقضى عنه (الشافعي واحمد والترمذي وابن ماجة)

832. "Dain" signifies all rights of men and not simply debt such as dues of property, blood, honour, and backbiting. If a person is defamed, slandered, or backbited, his rights are considered to be infringed. The backbiter owes a debt to him for this. This tradition shows that Gabriel took revelation besides what is in the Quran to the Prophet, that is, Hadis Qudsi.

833. This shows that debts left by individuals without any property are the concerns of the Estate for payment from the Public Treasury of the ruling king. In the Exchequer of Islam, there was compulsory provision for the poor, destitute and those involved in debts without means of repayment. This principle has been forgotten by modern estates. The Muslim estates should recognise these loans as national debts to be paid out of the booty gained in conquest.

14. **Abu Musa** reported from the Prophet who said: Verily the greatest of sins to Allah with which a man shall meet Him after the great sins which Allah prohibited is a man's dying with debt outstanding but leaving nothing for its payment.

—*Ahmad, Abu Daud.*

عن ابي موسى عن النبي صلعم قال ان اعظم الذنوب عند الله ان يلقه بها عبد بعد الكبائر التي نهى الله عنها ان يموت رجل وعليه دين لا يدع له قضاء

(احمد وابوداود)

15. **Jaber** reported: I had a debt due from the Apostle of Allah. He paid it back and paid me excess.[834]

—*Abu Daud.*

عن جابر قال كان لي على النبي صلى الله عليه وسلم دين فقضاني وزادني (ابو داود)

16. **Abdullah-b-Abu Rabia** reported: The Holy Prophet borrowed from me 40,000 (dirhams). Then came to him wealth, and he paid it to me and said: May the Almighty Allah give blessing to your family and wealth. Verily the reward of advance loan is praise and payment. —*Nisai.*

عن عبد الله ابن ابي ربيعة قال استقرض مني النبي صلعم اربعين الفا فجاءه مال فدفعه الي وقال بارك الله تعالى في اهلك ومالك انما جزاء السلف الحمد والاداء

(النسائي)

17. **Sharid** reported that the Messenger of Allah said: For a solvent man, his honour and punishment become lawful. Ibnul Mobarak said: His honour is lawful means to treat him harshly and his punishment is to confine him.[835]

—*Abu Daud, Niasi.*

عن الشريد قال قال رسول الله صلعم لي الواجد يحل عرضه وعقوبته قال ابن المبارك يحل عرضه يغلظ له وعقوبته يحبس له

(ابوداود والنسائي)

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834. In absence of contract, payment of debt voluntarily with excess amount is lawful This will not be considered as interest which is a contract for excess of the principal lent and which is demanded by the creditor.

835. If the rich man does not hasten to pay his debt, harsh words can lawfully be used with him, and he may be imprisoned according to the order of the judge. Thus there is civil imprisonment in Islam for non-payment of debt by a solvent man.

18. **Anas** reported that the Messenger of Allah said : When someone of you gives a loan, and then he (debtor) sends present to him or carries him upon a beast—don't ride on it, nor accept it unless it existed between them previous to it.[836] —*Ibn Majah, Baihaqi.*

عن انس قال قال رسول الله صلعم اذا اقرض احدكم قرضا فاهدى اليه او حمله على الدابة فلا يركبه ولا يقبلها الا ان يكون جرى بينه وبينه قبل ذلك
(ابن ماجة والبيهقي)

19. **Same** reported from the Holy Prophet who said : When a man advances loan to someone of you, let him not take present. —*Bukhari.*

عنه عن النبي صلعم قال اذا اقرض الرجل احدكم فلا يأخذ هدية (البخاري)

20. **Abu Burdah-b-Musa** reported : *I* came to Medina and met Abdullah-b-Salam. He said : Verily you are in a land wherein usury is prevalent. So when you have got dues from a man, and the latter gives you present of a load of figs or a load of wheat or a load of grass, don't accept it as it is usury.

—*Bukhari.*

عن ابي بردة بن موسى قال قدمت المدينة فلقيت عبد الله بن سلام فقال انك بارض فيها الربى فاش فاذا كان لك على رجل حق فاهدى اليك حمل تبن او حمل شعير او حمل قت فلا تأخذه فانه ربوا
(البخاري)

285w. **Bara'a-b-A'Jib** reported that the Messenger of Allah said : The debtor will remain confined in his debt complaining to his One Lord on the Resurrection Day.

—*Sharhi Sunnat.*

عن البراء بن عازب قال قال رسول الله صلعم صاحب الدين ماسور بدينه يشكو الى ربه الوحدة يوم القيمة (شرح السنة)

And it has been narrated by him that Mu'az was indebted,

وروى ان معاذا كان يدان فاتى غرماؤه الى

836. Whatever is acquired towards profit from the debtor is usury unless there was practice of sending presents to each other previous to the loan. It is stated in 'Malabudda-Minhu' that a creditor should not even accept invitation from a debtor except as aforesaid.

and his creditor came to the Holy Prophet. So the Prophet purchased all his properties in exchange of his debt till Mu'az stood penniless.[837]

النبي صلعم فباع النبي صلعم ماله كله في دينه حتى قام معاذ بغير شيء

286w. **Abdur Rahman-b-Ka'ab-b-Malek** reported that Mu'az-b-Jabal was a benevolent young man, and was not earning anything. Then he continued to be in debt, till all his properties were involved in debt. He came to the Prophet and talked with him that he might request his creditors that if they would remit for anybody, they should remit for Mu'az on account of the Holy Prophet. Then the Prophet purchased his property for them, till Mu'az stood penniless. —*Sayeed* (*Defective*).

عن عبد الرحمن بن كعب بن مالك قال كان معاذ بن جبل شابا سخيا وكان لا يمسك شيئا فلم يزل يدان حتى اغرق ماله كله في الدين فاتى النبي صلى الله عليه وسلم فكلمه ليكلم غرماءه فلو تركوا لاحد لتركوا لمعاذ لاجل رسول الله صلى الله عليه وسلم فباع رسول الله صلى الله عليه وسلم لهم ماله حتى قام معاذ بغير شيء (سعيد مرسلا)

287w. **Abu Sayeed al-Khudri** reported that a dead body was brought to the Messenger of Allah for funeral prayer over it. He enquired: Is there any debt due from your companion? 'Yes' said they. He asked: Has he left anything for payment? 'No' said he. He then said: Pray for your companion. Ali-b-Abi Taleb said: O Messenger of Allah! his debt is upon me. Then he stepped forward and led prayer for him. In a narration of the same meaning he said: May Allah save your surety from fire as you saved

عن ابي سعيد الخدري قال اتي النبي صلعم بجنازة ليصلي عليها فقال هل على صاحبكم دين قالوا نعم قال هل ترك له من وفاء قالوا لا قال صلوا على صاحبكم قال علي ابن ابي طالب علي دينه يا رسول الله فتقدم فصلى عليه وفي رواية معناه و قال فك الله رهانك من النار كما فككت

837. This is a defective tradition. The author of Mishkat says that he could not find where this tradition was found by the author of Masabih. It is according to him in "Muntaqa" with a slight different text. Muntaqa was compiled by Ibn Taimi.

the loan of your brother Muslim. There is no Muslim who pays off the debts of his brother but Allah will save his surety on the Resurrection Day.

—*Sharhi-sunnat.*

رهان اخيك المسلم ليس من عبد مسلم يقضي عن اخيه دينه الا فك الله رهانه يوم القيمة (شرح السنة)

288w. **Imran-b-Hussain** reported that the Messenger of of Allah said: Whoso has got dues for him from a man and then gives time to him (for repayment), there is a charity for him every day. —*Ahmad.*

عن عمران بن حصين قال قال رسول الله صلى الله عليه وسلم من كان له على رجل حق فمن اخره كان له بكل يوم صدقة (احمد)

289w. **Sa'ad-b-al-atwal** reported: My brother died and left 300 dinars and left behind minor children. Then I wished to spend (it) for them. The Messenger of Allah said to me: Verily your brother is in prison for his debt, so pay him off. He said: Then I went, paid him, returned and said: O Messenger of Allah! I have paid him, and there remains none except a woman who claims two dinars without any proof for her. He said: Pay her, as she is truthful.[838]

—*Ahmad.*

عن سعد بن الاطول قال مات اخي وترك ثلث مائة دينار وترك ولدا صغارا فاردت ان انفق عليهم فقال لي رسول الله صلعم ان اخاك محبوس بدينه فاقض عنه قال فذهبت فقضيت عنه ثم جئت فقلت يا رسول الله قد قضيت عنه ولم تبق الا امراة تدعي دينارين وليست لها بينة قال اعطها فانها صادقة (احمد)

290w. **Mohammad-b-Abdullah** reported: We were seated on the terrace of the mosque where dead bodies were kept, and the Apostle of Allah was seated behind our backs.

عن محمد بن عبد الله قال كنا جلوسا بفناء المسجد حيث يوضع الجنائز ورسول الله صلعم جالس بين ظهرينا فرفع

838. This tradition proves that payment of dues and debts of the deceased stands against his assets. They must first be paid, and then what will remain will devolve upon his heirs.

The Apostle of Allah raised up his look towards heaven and recognised, and then cast his look down and placed his hand upon his forehead. He exclaimed: Glory to Allah! Glory to Allah! What a great warning has just come down! He (narrator) said: Then we remained silent for our one day and our one night but we did find nothing but good, till dawn came over us. Muhammad said: I asked the Messenger of Allah: what is the great warning which has just come down? He said: Regarding debt. And by One in whose Hand there is the life of Muhammad, if a man be killed in the way of Allah and then raised to life, and again be killed in the way of Allah and again raised to life, and again be killed in the way of Allah and again raised to life with debt due from him, he shall not enter paradise till his debt is satisfied.

Ahmad, Sharhi-sunnat.

رسول الله صلعم بصره قبل السماء فنظر ثم
طأطأ بصره ووضع يده على جبهته قال
سبحان الله سبحان الله ماذا نزل من التشديد
قال فسكتنا يومنا وليلتنا فلم نر الا خيرا حتى
اصبحنا قال محمد فسألت رسول الله صلعم
ما التشديد الذي نزل قال في الدين
والذي نفس محمد بيده لو ان رجلا قتل
في سبيل الله ثم عاش ثم قتل في سبيل الله
ثم عاش ثم قتل في سبيل الله ثم عاش وعليه
دين ما دخل الجنة حتى يقضى دينه
(احمد وشرح السنة)

CHAPTER XIII

SECTION 2

839. Insolvency

The Islamic law of Insolvency is that the creditors can take possession of every thing of debtor except his person which is free from being molested or sent to prison. There is no civil prison in Islam for a debtor, as by imprisonment the loan can not be realised owing to the insolvent's possessing no property of any kind. This is signified by Prophet's word—"There is nothing for you except that" in 13 : 22. Among several creditors, he whose exact goods are found in possession of the debtor is entitled to them to the exclusion of other creditors. If part price has been given, the buyer is entitled to get the propoftionate thing according to Imams Malek and Shafeyi but

not according to Imam Abu Hanifa who holds that to take back anything already sold is unlawful. The debtor, however, cannot prefer only one among several creditors.

———):o:(———

21. **Abu Hurairah** reported that the Messenger of Allah said: Whoso becomes insolvent and afterwards a man (creditor) takes hold of his exact property, he is more entitled to it than others.[840] —*Agreed*.

عن ابي هريرة قال قال رسول الله صلعم ايما رجل افلس فادرك رجل ماله بعينه فهو احق به من غيره متفق عليه

22. **Abu Sayeed** reported that a man suffered damage during the time of the Holy Prophet in respect of fruits which he had purchased. His debt became heavy. The Messenger of Allah addressed: Give alms to him. So the people paid him alms but that did not come up towards satisfaction of his (entire) debt. Then the Apostle of Allah said to his creditors: Take what you find, and there is nothing besides that for you. —*Muslim*

عن ابي سعيد قال اصيب رجل في عهد النبي صلعم في ثمار ابتاعها فكثر دينه فقال رسول الله صلعم تصدقوا عليه فتصدق الناس عليه فلم يبلغ ذالك وفاء دينه فقال رسول الله صلعم لغرمائه خذوا ما وجدتم وليس لكم الا ذالك (مسلم)

23 **Abu Khaldah** az-Zoraqi reported: We came to Abu Hurairah about a companion of ours who had become bankrupt. He said: This is about what the Apostle of of Allah gave decision: Whoso dies and becomes bankrupt—the owner of goods is more entitled to his goods when he exactly finds them.

—*Shafeyi, Ibn Majah.*

عن ابي خلدة الزرقي قال جئنا ابا هريرة في صاحب لنا قد افلس فقال هذا الذي قضى فيه رسول الله صلعم ايما رجل مات او افلس فصاحب المتاع احق بمتاعه اذا وجده بعينه الشافعي و ابن ماجة

840. If a person sell a thing to a man on credit, and the purchaser becomes insolvent, the buyer can take hold of the exact property sold to him, if it was not consumed beforehand. If, however, no identical property is found, it will not be lawful for a creditor to take possession of his entire property to the exclusion of others.

(a) **Distinction between Qarz and Areeat** The distinction between these two kinds of loan is that Qarz signifies loan of money, while Areeat signifies loans of things other than money. In the former, the intention is to destroy the substance of what is borrowed i.e. to spend the identical money received from the creditor, and afterwards to return an equal number of similars. In the other, the intention is to enjoy the usufruct without injuring the substance which is to be returned in its identical state. For example a person borrowed a book and read it and afterwards returned it. It is Areeat ; whereas a person borrowed Rs. 50 and returned the like amount in different coins, it is loan.

(b) **Areeat is also a lease of property.** Lands may be let out in the form of lease for plantations or for cultivations. The borrower is not responsible for accidental loss or damage. It is in the nature of a trust. If it is lost in the hand of a borrower without his fault, he is not answerable for it. It is not lawful for a borrower to let out a loan. If he lets it out, he becomes responsible for it immediately upon delivery of possession.

24. **Qatadah** reported : I heard a man say—There occured an uproar in Medina. Then the Holy Prophet sought loan of a horse from Abu Talha known as "Al-Mandub." He rode on. When he returned, he said : We have seen nothing, we have found it but a sea.[842] —*Agreed*

عن قتادة قال سمعت انسا يقول كان فزع بالمدينة فاستعار النبي صلى الله عليه وسلم فرسا من ابي طلحة يقال له المندوب فركب فلما رجع قال ما رأينا من شيء وإن وجدناه لبحرا متفق عليه

25. **Omayyah-b-Safwan** from his father reported that the Holy Prophet took loan of his coats of mail on the Day of Hunain. He enquired :

عن امية بن صفوان عن ابيه ان النبي صلى الله عليه وسلم استعار منه ادراعه يوم

842. This horse was weak and slow-running, but when the Holy Prophet rode on it, it ran fast like a fast-going sea, and immediately came back after patrolling the city of Medina. This was occasioned by an alarm of attack raised by the people. This shows that the Apostle was so courageous that at dead of night he alone went round the city unguarded and careless of his life. He was a model for a general and a king. This also proves that loan of animals is lawful and that animals can lawfully be named.

O Muhamad ! is it by extortion? He said : Rather by way of secured loan[843]

—*Abu Daud*

حنين فقال اغصبا يا محمد قال بل عارية مضمونة

(ابو داؤد)

26. **Abu-Omamah** reported: I heard the Messenger of Allah say : A real loan must be paid back, and minha[844] present must be returned, and debt must be paid, and the surety is a debtor.

—*Abu Daud, Tirmizi*

عن ابي امامة قال سمعت رسول الله صلعم يقول العارية مؤداة و المنحة مردودة و الدين مقضي و الزعيم غارم

(الترمزی و ابوداود)

—:o:—

SECTION 1

845 Usury and Interest

(a) What does Riba mean ?

Riba or usury signifies literally an excess or addition, but in theological terms, it means an addition over and above the principal thing lent. In other words, it is an excess, according to legal standard of measurement and weight, in one of two homogeneous articles in which such excess is stipulated as an obligatory obligation on one of the contracting parties. Riba includes all kinds of interest whether the rate is high or low and whether the interest is or is not added to the principle sum after fixed periods. The following are therefore the ingredients of usurious transactions :—

1. The two things of exchange between the parties must be homogeneous or of same character, viz, gold for gold or corn for corn.

2. They must be unequal in measurement and weight. If gold is exchanged for gold of the same weight and quality in hand to hand transactions, it is not interest. If unequal, the excess must be interest.

3. They must not be in hand to hand transactions. If a guinea is given for $1\frac{1}{2}$ guinea to be paid at a future date, the excess will be considered as interest.

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843. According to Imam Abu Hanifa, such loan is trust. If object of trust is damaged or lost, it is not to be paid back, but its price shall be paid. The word "Mazmunatun" is used here in this sense.

844. Minha is present of the produce of property but not corpus of the property. An animal, for example, is given to a man for use of its milk or a garden for its fruits to be enjoyed. It is the duty of the person benefitted to return the corpus of the property in due time.

4. There must be stipulation or demand for the excess. If excess is paid by way of thanks and gratitude willingly and voluntarily, it will not be considered as interest (13 : 15).

5. The two contracting parties must be Muslims or one Muslim and another non-Muslim in Darul-Amanat (peaceful country) or a protected non-Muslim (zimme).

It appears from the above definitions and principal factors which constitute usury that two non-homogeneous things cannot constitute usury ; for example, two pounds of rice given in exchange of 2 pounds of wheat. It is not an usurious transaction because things are different. In hand to hand transactions of like amount of homogeneous things, there is no usury. There is usury in delivery of known things for unknown quantity or delivery of unknown quantity for known things ; for example, unknown quantity of nuts are sold for Rs. 1001 or so. Imam Shafeyi maintains that there is usury in things of esculent nature in addition to things of weight. Imams Abu Hanifa and others hold the contrary and reject the version of Imam Shafeyi. For example, ten yards of Calcutta cloth may be sold for 5 yds of Calcutta cloth because they are not things of weight. This has been overruled by Imam Abu Hanifa. It is however maintained that superiority or inferiority of articles has got no effect in usury, and hence it is lawful to sell a better quantity of any article in exchange of an equal quantity of an inferior sort. If, however, good and bad qualities are not equal they will constitute usurious transactions.

(*b*) **Exceptions.** The above rules are not applicable to things other than the following enumerated by traditions—gold, silver, wheat, barley, salt and dates or things of similar nature. This is the view of Imam Abu Hanifa. Therefore sale of one egg for two eggs is lawful. Imam Shafeyi differs as noted above.

(*c*) **Benefits derived from debtors**. Creditors using anything of debtors will add interest to the loan advanced. The relation between creditor and debtor is sacred, and any advantage, however insignificant, gained over debtors by creditors in any shape or form will be tinged with the dust of usury. Any present, feast etc. given by a debtor to a creditor is usury (13 : 18). Islam thus lays down rules for guidance of creditors and debtors which, if followed by modern world in good spirit, would go a great way to solve economic questions

(*d*) **Usury unlawful**. The Quran declares : Those who swallow

down usury cannot arise except as one whom the devil has prostrated by his touch does arise; that is because they say: Trading is only like usury and Allah has allowed trading and prohibited usury—2: 275 Q. "O you who believe! do not devour usury, doubling and redoubling, and be careful of your duty to Allah that you may be successful—3: 129 Q. The Quran hates Shylock the Jew and persons like him who follow "pound-of-flesh" policy. It recites: O you who believe! be careful of your duty to Allah, and give up what remains due from usury if you are believers. But if you do it not, then be informed of war from Allah and His Apostle, and if you repent, then you shall have your capital, neither shall you make the debtor suffer loss, nor shall you be made to suffer loss—2: 278, 279 Q. What a greater condemnation of usury can there be than that Allah and His Aposlte will be called upon to fight against the usurer? The Messenger of Allah cursed the devourer of usury, its payer, its scribe, its witness and any abettor to it (13: 27, 46). One dirham of usury which a man devours with knowledge is greater than a son's fornications with his mother (13: 43). He will suffer untold misery on the Resurrection Day (13: 43). The Holy Prophet saw usurers in hell—13: 45. The last verse about temporal laws was on usury—13: 47.

(e) Reasons for prohibition. The great object of Islam is to foster genuine brotherly love, and encourage mutual co-operation for smooth sailing of wordly affairs. It has also got the object of mitigation of human sufferings of millions of down-trodden poor men living from hand to mouth. It foresaw the great economic upheaval in latter times and great difference in possession of wealth, and also clashes and strikes between capital and labour, the rich and the poor, the landlords and the tenants. It has therefore recognised a right of money and property and yet at the same time encouarged with high hopes of rewards, charities and loans without any interest for the benefit of the poor and the weak. The world can only go on economically and politically with co-operation of the labourers, cultivators and tillers of the soil. If they do not get their due share and co-operation from the capitalists and the landlords, there is the inevitable clash. Labour will help the capital with their labour, and capital will help labour. The society that recognises and enforces this principle can thrive well. Hence oppression by usurious transactions is strictly unlawful in Islam, and its general practice is also condemned like its efforts in uprooting

idolatry root and branch and even by proscribing life-pirctures. Another object of prohibition is to avoid miserly habits, selfish nature, mean mindedness, and absence of fellow feeling. This can be seen when we daily see around us the usurers who are generally misers, persimonious, selfish, idle and devoid of the milk of human kindness. If usury and interest were prohibited by modern world, the great economic questions would have been greatly solved. The former Muslims were economically prosperous. This fact shows that there is a great economic policy in forsaking interest.

(*f*) **Prosperity not in usury.** Prosperity lies in charity and not in usury. The Holy Quran says: And whatever you lay out in usury, so that it may increase in the property of men, it shall not increase with Allah, and whatever you give in charity desiring Allah's pleasure, it is these that shall get manifold—30 : 39Q. Allah does not bless usury and He causes charitable deeds to prosper—2 : 276Q. Usury though increases, it turns towards little (13 : 44)

(*g*) **Interest on Bank deposits** Interest from hostile non-Muslims or from those non-Muslims whose avowed object is to destroy the Muslims whenever opportunity arises is quite legal. What is true of non-Muslim individuals is true of non Muslim banks and organizations.

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27. **Jaber** reported that the Messenger of Allah cursed the devourer of usury, its payer, its scribe, and its two witnesses. And he said that they are equal (in sins). —*Muslim.*

عن جابر قال لعن رسول الله صلعم آكل الربوا وموكله وكاتبه وشاهديه وقال هم سواء (مسلم)

28. **Obadah-b-Swamet** reported that the Apostle of Allah said: Gold for gold, silver for silver, barley for barley, wheat for wheat, date for date, and salt for salt and like for like, equally in hand to hand transactions. When these kinds differ, then sell them as you wish when it is in hand to hand (transaction)[845] —*Muslim.*

عن عبادة بن الصامت قال قال رسول الله صلعم الذهب بالذهب والفضة بالفضة والبر بالبر والشعير بالشعير والتمر بالتمر والملح بالملح مثلا بمثل سواء بسواء يدا بيد فاذا اختلفت هذه الاصناف فبيعوا كيف شئتم اذا كان يدا بيد (مسلم)

845 Gold and silver must be similar in weight in hand to hand transactions irrespective of their size. If size differs, there is no harm, but weight must be the same.

29. **Abu Sayeed al-Khodri** reported that the Messenger of Allah said : Gold for gold, silver for silver, barley for barley, wheat for wheat, date for date, salt for salt and like for like in hand to hand (transaction). Whoso gives more or takes more, then the taker and the giver are equal in taking interest therein. —*Muslim.*

عن ابي سعيد ن الخدري قال قال رسول الله صلعم الذهب بالذهب والفضة بالفضة والبر بالبر والشعير بالشعير والتمر بالتمر والملح بالملح مثلا بمثل يدا بيد فمن زاد او استزاد فقد اربى الآخذ والمعطي فيه سواء (مسلم)

30. **Same** reported that the Messenger of Allah said : Don't sell gold for gold unless like for like and don't increase something of it upon something, and don't sell silver for silver unless like for like and don't increase something of it upon something, and don't sell the absent therefrom for the present. *Agreed upon it. In a narration* : Sell not gold for gold, nor silver for silver unless measurement for measurement.[847]

عنه قال قال رسول الله صلعم لا تبيعوا الذهب بالذهب الا مثلا بمثل ولا تشفوا بعضها على بعض ولا تبيعوا الورق بالورق الا مثلا بمثل ولا تشفوا بعضها على بعض ولا تبيعوا منها غائبا بناجز (متفق عليه) وفي رواية لا تبيعوا الذهب بالذهب ولا الورق بالورق الا وزنا بوزن

31. **Me'mar-b-Abdullah** reported : I used to hear the Holy Prophet say : Food for food, like for like. —*Muslim.*

عن معمار بن عبد الله قال كنت اسمع رسول الله صلعم يقول الطعام بالطعام مثلا بمثل (مسلم)

32. **Omar** reported that the Messenger of Allah said : Gold for gold is interest unless in hand to hand (transaction) ; silver for silver is interest unless in hand to hand (transaction) ; barley for barley is interest unless in hand to hand (transaction), wheat for wheat is

عن عمر (رض) قال قال رسول الله صلعم الذهب بالذهب ربوا الا هاء وهاء والورق بالورق ربوا الا هاء وهاء والبر بالبر ربوا الا هاء وهاء والشعير بالشعير ربوا الا هاء

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847. Homogeneous things may be sovled in 3 ways : (1) by weight or measurement, (2) by promise on both sides, (3) and by promise on one side and cash on another. The first mode only is lawful as it is in hand to hand transactions, while the second and third modes are unlawful

interest unless in hand to hand (transaction), and date for date is interest unless in hand to hand (transaction). —*Agreed.*

وهاء والتمر بالتمر ربوا إلا هاء وهاء - متفق عليه

33. **Abu sayeed** and Abu Hurairh reported that the Holy Prophet engaged a man as a labourer at Khaiber He came to him with best dates. So he enquired: Is any date of Khaiber like this? 'No, by Allah' he said, 'O Prophet! verily we take one sa'a of this for two sa'as, and two sa'as for three. He said: Don't do (it), sell the whole for dirhams, and purchase the best dates for dirhams. He said: In weight also like that."[848] —*Agreed.*

عن ابي سعيد و ابي هريرة ان رسول الله صلعم استعمل رجلا على خيبر فجاءه بتمر جنيب فقال أكل تمر خيبر هكذا قال لا والله يا رسول الله انا لنأخذ الصاع من هذا بالصاعين و الصاعين بالثلاث فقال لا تفعل بع الجمع بالدراهم ثم ابتع بالدراهم جنيبا و قال في الميزان مثل ذلك متفق عليه

34. **Abu sayeed** reported that Bilal came to the Holy Prophet with Barni dates. The Prophet asked him: Whence is this? He replied. There were old dates with me and I sold out of them two sa'as for one. He said: Alas! veritable interest! Don't do (it), but when you intend to purchase, sell the dates for purchasing another kind, and then purchase therewith. —*Agreed.*

عن ابي سعيد قال جاء بلال الى النبي صلعم بتمر برني فقال له النبي صلعم من اين هذا قال كان عندنا تمر ردي فبعت منه صاعين بصاع فقال أوه عين الربوا لا تفعل ولكن اذا اردت ان تشتري فبع التمر ببيع آخر ثم اشتر به متفق عليه

35. **Jaber** reported that a slave came and took oath of allegiance to the Holy Prophet in hizrat, but he did not know that he was a slave. His master came to him intending (to take)

عن جابر قال جاء عبد فبايع النبي صلعم على الهجرة ولم يشعر انه عبد فجاء سيده يريده

848. The principle is that equal quantity must be sold and given. A superior quality of homogeneous elements cannot be sold or purchased for inferior quality of bigger quantity. But one thing may thus be bargained for a different thing. If this rule is broken, it will be an usurious transaction.

him. The Holy Prophet said to him: Sell him to me. So he purchased him with two black slaves, and he did not purchase any after him till he asked him whether he was a slave or a free man.[849] —*Muslim.*

فقال له النبي صلعم بعنيه فاشتراه بعبدين اسودين ولم يبايع احدا بعده حتى يسأله اعبد هو ام حر (مسلم)

36. **Same** reported that the Holy Prophet prohibited selling of 'subrah' date of unknown measurement for a fixed measurement of dates. —*Muslim.*

عنه قال نهى رسول الله عن بيع الصبرة من التمر لا يعلم مكيلتها بالكيل المسمى من التمر (مسلم)

37. **Fuzala-b-Obaid** reported: I purchased a necklace on the day of Khaiber for twelve dinars. There were gold and engravings therein. I made them separate and found therein twelve dinars. I mentioned (it) to the Prophet who said: It cannot be sold till it be separated. —*Muslim.*

عن فضالة بن عبيد قال اشتريت يوم خيبر قلادة باثني عشر دينارا فيها ذهب وخرز ففصلته فوجدت فيها اكثر من اثني عشر دينارا فذكرت للنبي صلعم فقال لا تباع حتى تفصل (مسلم)

38. **Abu Hurairah** reported that the Holy Prophet said: A time will certainly come over people when none will remain who will not devour usury. If he does not devour it, its vapour will overtake him. (It is narrated- its dust).[850]

Ahmad, Abu Daud, Nisai, Ibn Majah.

عن ابي هريرة عن رسول الله صلعم قال ليأتين على الناس زمان لا يبقى احد الا اكل الربوا فان لم ياكله اصابه من بخاره ويروى من غباره

احمد وابو داود والنسائي وابن ماجة

849. This tradition shows that except the six things enumerated above-gold, silver, wheat barely, date and salt, all other things may be sold in unequal quantity and quality without being guilty of usurious transaction. Thus one good slave for two black slaves may be sold irrespective of homogeneity or different character. Imam Abu Hanifa holds, however, that an animal may not be sold for a promise of payment of price

850. Such is the time in which we live now. Until a new civilization is evolved which is based on morality and fellow feeling, some solution has to be sought for the great economic questions that confront the Muslim nation. This means that none will have any alternative but to be entangled in usury either by deposition as a witness, or by writing a bond with interest, or pleading, or giving judgment for it, or mingling one property with another which brings intererst. Thus the writer, witness, pleader, judge and depositors of money in banks —all will get vapour or dust of interest.

39. **Sa'ad-b-Abi Waqqas** reported: I heard that the Holy Prophet was questioned about purchase of dry pates for fresh ones. He asked: Shall fresh dates be diminished when they become dry? 'Yes" said he. So he prohibited him from that.[851] —*Malek, Tirmizi, Abu Daud, Nisai, Ibn Majah.*

عن سعد بن ابى وقاص قال سمعت رسول الله صلعم سئل عن شرى التمر بالرطب فقال اينقص الرطب اذا يبس فقال نعم فنهاه عن ذلك (مالك و الترمذى و ابوداود و النسائى و ابن ماجة)

40. **Samorah-b-jundub** reported that the Holy Prophet prohibited from selling animal for animal by way of promise. —*Tirmizi, Abu Daud, Nisai.*

عن سمرة بن جندب ان النبى صلعم نهى عن بيع الحيوان بالحيوان نسيئة (الترمذى و ابوداود و النسائى)

41. **Abdullah-b-Amr** reported that the Holy Prophet ordered him to prepare a cavalry. There was no camel. He ordered him to take the marked animals of zakat. So he took a camel for two camels up to the time of camel of zakat.[852] —*Abu Daud.*

عن عبد الله ابن عمرو ان النبى صلعم امره ان يجهز جيشا فنفدت الابل فامره ان ياخذ على قلائص الصدقة فكان ياخذ البعير بالبعيرين الى ابل الصدقة (ابوداود)

42. **Osamah-b-Zaid** reported that the Messenger of Allah said: Usury is in promise. And in another narration he said: There is no usury in what is hand to hand. —*Agreed.*

عن اسامة بن زيد ان النبى صلعم قال الربوا فى النسيئة وفى رواية قال لا ربوا فيما كان يدا بيد (متفق عليه)

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851. Imams Malek, Abu Yusuf, Muhammad, Shafeyi and Ahmad obey this tradition literally, while Imam Abu Hanifa differs and says that at the time of weight only, equality is sufficient irrespective of the changes that may come later on.

852. Camels were borrowed on condition that they would be given back when zakat-camels would be coming. This loan is unlawful according to Imam Abu Hanifa. He says that this tradition has been abrogated by Samora's tradition (13: 40)

43. **Abu Hurairah** reported that the Messenger of Allah said: Usury has got seventy divisions. The easiest division of them is a man's marrying his mother.[853] —*Ibn Majah.*

عن ابي هريرة قال قال رسول الله صلعم الربوا سبعون جزءا ايسرها ان ينكح الرجل امه (ابن ماجة)

44. **Ibn Mas'ud** reported that the Messenger of Allah said: Though usury increases, its effect indeed turns towards decrease. —*Ibn Majah.*

عن ابن مسعود قال قال رسول الله صلعم ان الربوا وان كثر فان عاقبته تصير الى قل (ابن ماجة)

45. **Abu Hurairah** reported that the Messenger of Allah said: I came across a people in the night in which I was taken to heaven. Their bellies are like houses wherein there are serpents which can be seen from outside their bellies. I asked: O Gabriel! who are these? He said: These are those who devoured usury.

—*Ahmad, Ibn Majah.*

عن ابي هريرة قال قال رسول الله صلعم اتيت ليلة اسري بي على قوم بطونهم كالبيوت فيها الحيات ترى من خارج بطونهم فقلت من هؤلاء يا جبرئيل قال هؤلاء اكلة الربوا (احمد و ابن ماجة)

46. **Ali** reported that he heard the Messenger of Allah cursing the devourer of usury, its giver, its scribe and one who refuses zakat; and he used to forbid mourning.[854] —*Nisai.*

عن علي (رض) انه سمع رسول الله صلعم لعن اكل الربوا وموكله وكاتبه ومانع الصدقة وكان ينهى عن النوح (النسائي)

47. **Omar-b-al-Khattab** reported that the last of what was revealed was the verse of usury, and that the Messenger

عن عمر بن الخطاب ان اخر ما نزلت اية الربوا وان رسول الله صلعم قبض ولم

853. The severity of usury has been mentioned in the Quran. This hadis also sounds a note of too severe nature and finds corroboration from the following verse "Be careful of your duty to Allah, relinquish what remains of usury, if you are believers. But if you do it not, then be informed of war from Allah and His Apostle—2 : 278Q.

854. Mourning is to cry with loud voice for a deceased man with various descriptions of his virtues and recollections. This practice is now in vogue in many civilized countries. Hired mourners are sometimes engaged.

of Allah expired while he did not explain it to us. So give up usury and doubt.[855]

—*Ibn Majah, Darimi*

يفسرها لنا فدعوا الربوا و الريبة

(ابن ماجة و الدارمي)

291w. **Sayeed-b-Musayyeb** reported a defective tradition: The Holy Prophet prohibited from selling meat for animal. Sayeed said that it is of the games of chance of the Days of Ignorance. —*Sharhi Sunnat.*

عن سعيد ابن المسيب مرسلا ان رسول الله صلعم نهى عن بيع اللحم بالحيوان قال سعيد كان من ميسر اهل الجاهلية (شرح السنة)

292w. **Abdullah-b-Hanjalah** (one washed by angels) reported that the Messenger of Allah said: A dirham of usury a man devours with knowledge is greater than 36 fornications.

—*Ahmad, Darqutni.*

Baihaqi reported in Shuabul Iman from Ibn Abbas. He added and said: (As for) one whose flesh has grown out of unlawful food, the Fire is more suitable for him.

عن عبد الله بن حنظلة غسيل الملئكة قال قال رسول الله صلعم درهم ربوا يا كله الرجل و هو يعلم اشد من ستة و ثلثين زنية (احمد و الدار قطني) و رواه البيهقي في شعب الايمان عن ابن عباس و زاد و قال من نبت لحمه من السحت فالنار اولى به

SECTION 5

856. Mortgage and Pawn

Rihan literally signifies detaining a thing on any account whatsoever. In the language of law, it means detention of a thing on account of a claim which may be satisfied by means of that thing in case of default. This is unanimously legal (2 : 238Q). The Holy Prophet

855. This is the last verse about affairs of the world and not about spiritual matters. The verse of the Holy Quran that was last revealed to Prophet was Chapter 103. The Prophet explained usury with regard to some defined things. With regard to other things, there was no explanation.

also gave his coat of mail in rihan. Rihan is established by declaration and acceptance and confirmed by receipt of the pledge. Upon the pawnee taking possession of the pledge, the contract becomes binding. The pawnee is responsible for the pledge. The pawnee is entitled to detain the pledge until he receives payment of debt. According to Imam Shafeyi, the pawnee may sell the pledge and recover his dues and return the excess. The pawner cannot reclaim the pledge on the plea of selling it for discharge of his debt. According to Imam Abu Hanifa, a pawnee is not authorised to sell the pledge unless with the desire of the pawner. The pawnee is not entitled to use the mortgaged property except in exchange of paying rents.

48. **Ibn Abbas** reported that the Messenger of Allah came to Medina while they used to pay in advance for fruits of one year, two years or three years. He said: Whoever pays in advance for any thing, let him pay in fixed weight and for a fixed period.[557]

—Agreed.

عَنِ ابْنِ عَبَّاسٍ قَالَ قَدِمَ رَسُولُ اللهِ صلعم الْمَدِينَةَ وَهُمْ يُسْلِفُونَ فِي الثِّمَارِ السَّنَةَ وَالسَّنَتَيْنِ وَالثَّلَثَ فَقَالَ مَنْ أَسْلَفَ فِي شَيْءٍ فَلْيُسْلِفْ فِي كَيْلٍ مَعْلُومٍ إِلَى أَجَلٍ مَعْلُومٍ - (مُتَّفَقٌ عَلَيْهِ)

49. **Ayesha** reported that the Holy Prophet purchased food grains from a Jew up to a fixed term, and he kept his coat of mail of iron in pawn.[558]

—Agreed.

عَنْ عَائِشَةَ قَالَتِ اشْتَرَى رَسُولُ اللهِ صلعم طَعَامًا مِنْ يَهُودِيٍّ إِلَى أَجَلٍ وَرَهَنَهُ دِرْعًا لَهُ مِنْ حَدِيدٍ (مُتَّفَقٌ عَلَيْهِ)

50. **Same** reported that the Holy Prophet died while his coat of mail was in pawn to a Jew for thirty sa'as of wheat.

—Bukhari.

عَنْهَا قَالَتْ تُوُفِّيَ رَسُولُ اللهِ صلعم وَدِرْعُهُ مَرْهُونَةٌ عِنْدَ يَهُودِيٍّ بِثَلَثِينَ صَاعًا مِنْ شَعِيرٍ - (الْبُخَارِيُّ)

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557. In a silm sale, Imam Abu Hanifa holds that the term for payment should be fixed, but Imams Malek, Ahmad and Shafeyi differ from the above view. If A pays to B Rs 100 in consideration of enjoying 50 mds. of corn either in existence or non existence to be paid by a certain fixed instalments or within a certain fixed time, it is lawful. If quantity, however, is uncertain, it is unlawful. This is called silm sale

558. It is clear from this that a thing can be sold for promise of payment provided something is kept in pawn or mortgage.

51. **Abu Hurairah** reported that the Messenger of Allah said : A back may be rode upon with his expense when it is a pledge, and the milk of the udder may be drunk with his expense when it is a pledge. And on one who rides on and drinks is the expense.[859] —*Bukhari*.

عن أبي هريرة قال قال رسول الله صلعم الظهر يركب بنفقته اذا كان مرهونا ولبن الدر يشرب بنفقته اذا كان مرهونا وعلى الذي يركب ويشرب النفقة - (البخاري)

293w. **Sayeed-b-al-Musayyeb** reported that the Messenger of Allah said : Pawn does not shut up pawn by its owner whose pawn is for his use, and whose debt is upon him.[860] —*Shafeyi (Defective)*

عن سعيد بن المسيب أن رسول الله صلعم قال لا يغلق الرهن الرهن من صاحبه الذي رهنه له غنمه وعليه غرمه - الشافعي (مرسل)

CHAPTER XIV

861—Usurpation

(*a*) **Meaning of Gasb**. Gasb in its literal sense means forcibly taking a thing from another. Technically, it signifies the taking of the property of another without the consent of the owner in such a manner as to destroy the owner's possession of it.

(*b*) **Condemnation of usurpation**. Usurpation is unlawful. Any person knowingly and wilfully usurping the property of another is held to be a criminal and a sinner, and therefore he becomes liable for compensation. The object of Islam is peace. By encroachment of the rights of another, peace is disturbed and therefore a sin is committed. Forcible possession is an oppression in an extreme form of which there is a strong condemnation both in the Holy Quran and Hadis.

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859. It has been, it is said, abrogated by the next hadis.

860. This means that a pawner or a mortgagor can get benefit from the mortgaged property, and the mortgage itself cannot prevent the mortgagor from using or mortgaging the property for the second time. The mortgagor will get hire from the house mortgaged or ride upon the horse mortgaged. If, however, the mortgaged property is damaged for no fault of the mortgagee, the mortgagor is still liable for the debt.

An usurper will be hurled down unto seven earths on the Resurrection Day — 4 : 15, 14 : 12, and he shall be made to bear the burden of earth that he usurped—14 : 205w. A marauder is not a follower of the Prophet, and Islam enjoins no compulsion in any action—1 : 70. Riot and loot are strictly unlawful—14 : 3. Prophet even instructed not to take a staff of his brother out of joke.

(c) **Civil liabilities**. The usurper of an article of the class of similars is responsible for a similar if it be destroyed in his possession. If the article be of the class of non-similars, he is responsible only for the value, but the article usurped must first be tried to be restored to the owner. An usurper of land is liable for any damage occasioned by the cultivation of it, and a trespasser usurper acquires no right in a property—22 : 2 (Hadayah).

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1. **Ibn Omar** reported that the Messenger of Allah said : Nobody shall milk the quadruped of another without his premission. Does any of you like that his drinking pot be brought and its contents broken and its food taken (by force) ? And verily the udders of their quadrupeds treasure up their foods for them. —*Muslim*.

عن ابن عمر قال قال رسول الله صلعم لا يحلبن احد ماشية امرئ بغير اذنه ايحب احدكم ان يؤتى مشربته فتكسر خزانته فينتقل طعامه وانما تخزن لهم ضروع مواشيهم اطعماتهم - (مسلم)

2. **Anas** reported that the Holy Prophet was near one of his wives. One of the mothers of the Muslims sent a dish wherein there was food. Then she in whose house the Prophet stayed gave a beat to the hand of the servant and so the dish fell down and broke to pieces. The Holy Prophet then began to collect the pieces of the dish and place therein thefood which

عن انس قال كان النبي صلعم عند بعض نسائه فارسلت احدى امهات المؤمنين بصحفة فيها طعام فضربت التي النبي صلعم في بيتها يد الخادم فسقطت الصحفة فانفلقت فجمع النبي صلعم فلق الصحفة ثم جعل يجمع فيها الطعام الذي كان في الصحفة

was in the dish and began to say: May your mother be destroyed! Afterwards he detained the slave till a dish was brought from her in whose house he stayed and handed over the good dish to her whose dish was broken and kept the broken one in her house where it was broken.[862]

—*Bukhari.*

ويقول غارت امكم ثم حبس الخادم حتى أتي بصحفة من عند التي هو في بيتها فدفع الصحفة الصحيحة الى التي كسرت صحفتها وامسك المكسورة في بيت التي كسرت - (البخاري)

3. **Abdullah-b-Yezid** reported from the Holy Prophet that he had prohibited plunder and physical mutilation.[863]

—*Bukhari.*

عن عبد الله بن يزيد عن النبي صلعم انه نهى عن النهبة والمثلة - (البخاري)

4. **Jaber** reported that the sun eclipsed at the time of the Messenger of Allah on the day in which Ibrahim, son of the Messenger of Allah, died. He said six rak'as of prayers with men with four prostrations, and then finished. When the sun shone brightly, he said: There is nothing of which you have been given promise but I have just seen in this prayer of mine. Hell was brought and that was at the time when you saw me going behind out of fear lest its vapour might just affect me: even I saw an owner of hook drawing his hook in fire, and he used to rob the pilgrims with his hook. If he could be detected, he used to say: It came with my hook, and if he could not be detected

عن جابر قال انكسفت الشمس في عهد رسول الله صلعم يوم مات ابراهيم بن رسول الله صلعم فصلى بالناس ست ركعات بأربع سجدات فانصرف وقد آضت الشمس وقال ما من شيء توعدونه إلا قد رأيته في صلوتي هذه لقد جيء بالنار وذلك حين رأيتموني تأخرت مخافة أن يصيبني من نفحها وحتى رأيت فيها صاحب المحجن يجر قصبه في النار وكان يسرق الحاج بمحجنه فإن فطن له قال إنما تعلق بمحجني وإن

862. This shows how good and kind-hearted was the Holy Prophet to everyone who came in contact with him. Ayesha assaulted the maid servant. The food was sent either by Jainab, Safiyyah or Omme Salamah.

863. To plunder is unlawful as it deprives one's own hard acquired earning and disturbs peace. To mutilate the important limbs such as nose, hand, finger or leg is also unlawful unless sanctioned by religious ordinances relating to crimes.

he used to take it. Even I saw therein an owner of a cat who confined it and did neither give it food, nor allowed it to eat of the worms of the ground till it died of hunger Then Paradise was brought, and that was when you saw me advancing forward till I took my position. Just I stretched forth my hand intending to take hold of its fruit that you might have a look to it. Afterwards it was disclosed to me that I should not do.
—*Muslim.*

غُفِلَ عَنْهُ ذَهَبَ بِهِ وَحَتَّى رَأَيْتُ فِيهَا صَاحِبَةَ الْهِرَّةِ الَّتِي رَبَطَتْهَا فَلَمْ تُطْعِمْهَا وَلَا تَدَعْهَا تَأْكُلُ مِنْ خَشَاشِ الْأَرْضِ حَتَّى مَاتَتْ جُوعًا ثُمَّ جِيءَ بِالْجَنَّةِ وَذٰلِكَ حِينَ رَأَيْتُمُونِي تَقَدَّمْتُ حَتَّى قُمْتُ فِي مَقَامِي وَلَقَدْ مَدَدْتُ يَدِي وَأَنَا أُرِيدُ أَنْ أَتَنَاوَلَ مِنْ ثَمَرَتِهَا لِتَنْظُرُوا إِلَيْهِ ثُمَّ بَدَا لِي أَنْ لَا أَفْعَلَ - (مُسْلِم)

5. **Samorah** reported from the Prophet who said: Whoso finds his exact property in possession of another, is more entitled to it; and the purchaser will follow one from whom he purchased.[564] —*Ahmad, Abu Daud, Nisai.*

عَنْ سَمُرَةَ عَنِ النَّبِيِّ صلعم قَالَ مَنْ وَجَدَ عَيْنَ مَالِهِ عِنْدَ رَجُلٍ فَهُوَ أَحَقُّ بِهِ وَيَتْبَعُ الْبَيِّعُ مَنْ بَاعَهُ - (احمد و ابو داود و النسائي)

6. **Same** reported from the Messenger of Allah who said: There is for the hand what it takes possession of till it is returned.[565] —*Tirmizi, Abu Daud, Ibn Majah.*

عَنْهُ عَنِ النَّبِيِّ صلعم قَالَ عَلَى الْيَدِ مَا أَخَذَتْ حَتَّى تُؤَدِّيَ (التِّرمذي و ابو داود و ابن ماجة)

7. **Haram b-Sa'ad-b-Muhayyasah** reported that a she-camel of Bara'a-b-A'jeb entered a garden and caused damage. The Holy Prophet then gave a decree — its protection during day time is upon the owners of the gardens, and what

عَنْ حَرَامِ بْنِ سَعْدِ بْنِ مُحَيِّصَةَ أَنَّ نَاقَةَ الْبَرَاءِ بْنِ عَازِبٍ دَخَلَتْ حَائِطًا فَأَفْسَدَتْ فَقَضَى رَسُولُ اللّٰهِ صلعم أَنَّ عَلَى أَهْلِ الْحَوَائِطِ حِفْظَهَا بِالنَّهَارِ وَأَنَّ مَا أَفْسَدَتِ الْمَوَاشِي

564. This means that if a stolen or plundered property is sold to a man by the thief and the plunderer, the person from whom it was stolen and plundered has got title to it, and the purchaser is entitled to seek relief only against his vendor. This greatly discourages theft and plunder.

565. The man who takes a thing from a man by way of theft, plunder, loan or debt has to return it compulsorily without even demand of its owner or creditor. The costs of conveyance for the thing must be borne therefrom by the man in want. To return it is binding on the part of the debtor.

the quadrupeds make damage during the night shall shift responsibility to their owners.[866] —*Malek, Abu Daud, Ibn Majah.*

بالليل ضامن على اهلها ۔

(مالك و ابو داود و ابن ماجة)

8. **Abu Hurairah** reported that the Messenger of Allah said : Foot is exempted. And he said : Fire is exempted.[867] —*Abu Daud.*

عن ابي هريرة عن النبي صلعم قال الرجل جبار وقال النار جبار ۔ (ابو داود)

9. **Hasan** from Samorah reported that the Holy Prophet said : When some one of you comes riding on an animal, let him seek permission from him (to drink its milk) if its owner be there, but if its owner be not there, let him proclaim thrice. If anybody then responds to him, let him take permission from him; and if none responds to him, let him milk (it) and let him drink, but let him not carry.[868] —*Abu Daud.*

عن الحسن عن سمرة ان النبي صلعم قال اذا اتى احدكم على ماشية فان كان فيها صاحبها فليستاذنه وان لم يكن فيها فليصوت ثلثا فان اجابه احد فليستاذنه وان لم يجبه احد فليحتلب وليشرب ولا يحمل ۔ (ابو داود)

10. **Ibn Omar** reported from the Prophet who said : Whoso

عن ابن عمر عن النبي صلعم قال من

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866. The decree of the Holy Prophet for damage of crops was against the owner of lands because animals have got right to search for their food during day-time. If, however, damage is caused at night, the owners of animals are responsible, as it is their duty to keep them confined at night. This principle is very sound and reasonable.

867. If any damage is caused by quadruped animals, there is no responsibility on the owner provided the owner or his agent was not with the animals. Similarly if fire damages anything, there is sanction against one for whose involuntary and careless act, fire caused damage. Drivers are likewise responsible for careless driving.

868. This is at the time when there is want for such milk i.e. at the time of hunger. If, however, there is no hunger, it will be unlawful to use milk without permission. This is mostly a concession to travellers who generally fall in need of food.

enters a garden, let him take food ; but let him not take it in bag.[869] —*Ibn Majah, Tirmizi (Rare).*

دَخَلَ حَائِطًا فَلْيَأْكُلْ وَلَا يَتَّخِذْ خُبْنَةً -

ابْنُ مَاجَةَ وَ التِّرْمِذِيُّ (غَرِيبٌ)

11. **Rafe-b-Amr al-Gefari** reported : I was a boy throwing (stones at) the dates of the Ansars. Then I was brought to the *Holy* Prophet who said : O boy ! why do you throw (stones) at the dates ? I replied : For eating. He said : Don't throw, but eat from what will be falling down underneath. Afterwards he passed his hand over his head and said : O Allah ! satisfy his belly. —*Tirmizi, Abu Daud, Ibn Majah.*

عَنْ رَافِعِ بْنِ عَمْرٍو نِالْغِفَارِيِّ قَالَ كُنْتُ غُلَامًا أَرْمِي نَخْلَ الْأَنْصَارِ فَأُتِيَ بِي النَّبِيِّ صلعم وَقَالَ يَا غُلَامُ لِمَ تَرْمِي النَّخْلَ قُلْتُ أَكُلُ قَالَ فَلَا تَرْمِ وَكُلْ مِمَّا سَقَطَ فِي أَسْفَلِهَا ثُمَّ مَسَحَ رَأْسَهُ فَقَالَ اللّٰهُمَّ أَشْبِعْ بَطْنَهُ -

(التِّرْمِذِيُّ وَ أَبُو دَاوُدَ وَابْنُ مَاجَةَ)

12. **Salem** from his father reported : Whoso extorts any portion of land unjustly will be sunk down unto seven earths on the Resurrection Day. —*Bukhari.*

عَنْ سَالِمٍ عَنْ أَبِيهِ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم مَنْ أَخَذَ مِنَ الْأَرْضِ شَيْئًا بِغَيْرِ حَقِّهِ خُسِفَ بِهِ يَوْمَ الْقِيٰمَةِ إِلَى سَبْعِ أَرَضِينَ -

(الْبُخَارِيُّ)

294w. **Abu Hurrah al-Raqqashi** from his uncle reported that the Messenger of Allah said : Behold ! oppress not. Behold ! the property of a man is not lawful except with his voluntary consent. —*Baihaqi, Darqutni.*

عَنْ أَبِي حُرَّةَ الرَّقَاشِيِّ عَنْ عَمِّهِ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم أَلَا لَا تَظْلِمُوا أَلَا لَا يَحِلُّ مَالُ امْرِئٍ إِلَّا بِطِيبِ نَفْسٍ مِنْهُ -

(الْبَيْهَقِيُّ وَ الدَّارَقُطْنِيُّ)

295w. **Ya'la-b-Murrah** reported : I heard the Messenger of Allah say : Whoso encroaches upon a land without title therein

عَنْ يَعْلَى بْنِ مُرَّةَ قَالَ سَمِعْتُ رَسُولَ اللّٰهِ صلعم يَقُولُ مَنْ أَخَذَ أَرْضًا بِغَيْرِ حَقِّهَا كُلِّفَ أَنْ

869. This injunction is for the needy and the distressed.

will be put to bear the burden of its earth on the Congregation Day. —*Ahmad*.

يحمل ترابها المحشر - (احمد)

296w. **Same** reported: I heard the Messenger of Allah say: Whoso takes a span of land by oppression, the Glorious and Almighty Allah will give him the trouble of digging it till he reaches the last of the seven earths, and then he will be thrown down up to the Resurrection Day till he will be brought for judgment among men. —*Ahmad*.

عنه قال سمعت رسول الله صلعم يقول ايما رجل ظلم شبرا من الارض كلفه الله عز و جل ان يحفره حتى يبلغ اخر سبع ارضين ثم يطوقه الى يوم القيمة حتى يقضى بين الناس - (احمد)

CHAPTER XV

870—Pre-emption.

(a) **What is pre-emption?** Pre-emption is a right which the owner of an immoveable property possesses to acquire by purchase another immoveable property which has been sold to another person. Shafa'a signifies conjunction, and the land sold is here conjoined to the land of the person claiming the right of pre-emption.

(b) **Who may claim pre-emption?**

(1) A co-sharer in property (Shafi-i-Sharik).

(2) An enjoyer of immunities and appendages such as a right of way or a right to discharge water (Shafi-i-Khalit).

(3) Owners of adjoining immoveable property (Shafi-i-Jar-15 : 3) but not their tenants, nor persons in possession of such property without any lawful title.

The first clause excludes the second, and the second excludes the third. But if there are two or more electors belonging to the same class, they are entitled to equal shares of the property in respect of which the right is claimed. Imam Shafeyi maintains that they are entitled to shares in the property according to their respective shares.

(c) **Principle of the law of pre-emption in Islam.** Islam recognises absolute right of ownership in the lands. In other words, owners can deal and dispose of the property in any manner they like. But it did not forget the rules of justice, equity and good conscience. Therefore it allowed pre-emption for preventing inconvenience and annoyance which may occur in the introduction of a stranger as a co-sharer or a neighbour. The soundness of this principle has been recognised by almost all the civilized countries. It is why the Punjab Laws Act 1872 as amended by Act XII of 1878, and the Oudth Laws Act were passed by British Goverment. This law is customary among the Hindus of Bihar, Surat, Broach and some other places of India.

(d) **Formalities observed in pre-emption.** No person is entitled to the right of pre-emption unless (1) he has declared his intention to assert the right immediately (Talabi-Mowasibat) and (2) he is to make a formal demand either in presence of the buyer or seller or on the premises of the land or house and in presence of witnesses (Talabi ishhad).

(e) **Pre-emption in sale only.** Pre-emption arises only out of a valid, complete and bonafide sale. It does not arise out of gift, wakf, inheritance, bequest or lease. A transfer of property by a husband to a wife in lieu of dower is a sale.

(f) **Articles of pre-emption.** It takes place with respect to immoveable properties and houses capable of division or not. Shafeyi maintains that nothing is subject to Shafa'a but what is capable of being divided. Muslims and non-Muslims are all equal in the right of pre-emption as they are all effected by the sale and the principle is applicable irrespective of caste and creed. Imam *Shafeyi* maintains that the right of pre-emption does not reside in a neighbour but in a co-sharer in undivided property. If, however, any property is divided, the right of pre-emption ceases to exist (15 : 1)

OTHER CONTENTS. None should sell his house or land—15 : 6. Anybody cutting a tree on the pathway that gives shade will enter hell-fire—15 : 9.

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1. **Jaber** reported that the Holy Prophet decreed pre-emption in everything which

عن جابر قال قضى النبي صلعم بالشفعة

has not been partitioned, but when boundaries have been fixed and demarcations have been marked out, there is no pre-emption.[871] —*Bukhari.*

في كل مالم يقسم فاذا وقعت الحدود و صرفت الطرق فلا شفعة - (البخاري)

2. **Same** reported that the Holy Prophet decreed pre-emption in every undivided share whether in pasture ground or orchard. It is not lawful to sell till his co-sharer gives permission. If he then wishes, he may purchase and if he wishes he may give it up, but when he sells without taking possession from him, he is more entitled to it.[872] —*Muslim*

عنه قال قضى رسول الله صلعم بالشفعة في كل شركة لم تقسم ربعة او حائط لا يحل له ان يبيع حتى يؤذن شريكه فان شاء اخذ وان شاء ترك فاذا باع ولم يؤذنه فهو احق به - (مسلم)

3. **Abu Rafe'** reported that the Messenger of Allah said: The neighbour has got the best right owing to his proximity.[873] —*Bukhari.*

عن ابي رافع قال قال رسول الله صلعم الجار احق بسقبه - (البخاري)

4. **Abu Hurairah** reported that the Messenger of Allah said: A neighbour shall not prevent his neighbour from placing rafters against his wall.[874] —*Agreed*

عن ابي هريرة قال قال رسول الله صلعم لا يمنع جار جاره ان يغرز خشبة في جداره - (متفق عليه)

871. Pre-emption cannot arise in case of partitioned things. When boundaries are fixed and lines chalked out by partition, there is no pre-emption. This shows that the right exists among co-sharers and not neighbours. This is the mazhab of Imam Shafeyi. Imam Abu Hanifa holds, however, that among neighbours, there is pre-emption (15 : 3).

872. This hadis shows that there is pre-emption in immoveable properties such as lands and buildings.

873. Pre-emption is seen here to be the right of neighbourhood. Indeed pre-emption signifies both the rights—right of a neighbour or a right of a cosharer. The neighbouring cosharer is first preferred, and then a cosharer is preferred to a stranger who is not a cosharer.

874. This is out of love according to Imams Abu Hanifa, Malek, and Shafeyi, but it is not binding according to Imams Ahmad and Muhammad.

5. **Same** reported that the Messenger of Allah said : When you dispute about a pathway, its breadth should be extended to seven cubits. —*Muslim.*

عنه قال قال رسول الله صلعم اذا اختلفتم في الطريق جعل عرضه سبعة اذرع - (مسلم)

6. **Sayeed-b-Hurais** reported : I heard the Megsenger of Allah say : Whoso among you sells a house or a land, it is most proper that there will be no blessing for him, unless he lays it out in its like.[875]

—*Ibn Majah, Darimi.*

عن سعيد بن حريث قال سمعت رسول الله صلعم يقول من باع منكم دارا او عقارا قمن ان لا يبارك له الا ان يجعله في مثله - (ابن ماجة و الدارمي)

7. **Jaber** reported that the Messenger of Allah said : The neighbour who has got the best right to pre-emption shall be waited for though he be absent, provided the path of both is the same.

—*Ahmad, Tirmizi Abu Daud, Ibn Majah.*

عن جابر قال قال رسول الله صلعم الجار احق بشفعته ينتظر بها و ان كان غائبا اذا كان طريقهما واحدا - (احمد و الترمذي و ابو داود و ابن ماجة)

8. **Ibn Abbas** reported from the Messenger of Allah who said : A cosharer is a pre-emptor, and there is pre-emption in every thing.[876]

—*Tirmizi*

عن ابن عباس عن النبي صلعم قال الشريك شفيع و الشفعة في كل شيء - (الترمذي)

9. **Abdullah-b-Hubaish** reported that the Messenger of Allah said : Whoso cuts down a lot tree, Allah will hit his

عن عبد الله بن حبيش قال قال رسول الله صلعم من قطع سدرة صوب الله راسه في

875. It is most desirable that houses, buildings and landed properties should not be sold, because they are immoveable things and are not susceptible of loss or theft. If sold, consideration money should be utilized in purchasing lands and erecting buildings.

876. This is the mazhab of Imam Shafeyi. Imam Abu Hanifa holds, however, that there is pre-emption in everything though the property be incapable or partition such as well, bath room, etc.

head in the fire. **Abu Daud** narrated it. He said that this tradition was shortened. He means: Whoso cuts a lot tree in a desert under the shade of which travellers and animals take rest, by force and oppression, without having any right to it, Allah will his his head in the fire.

النار رواه ابو داود وقال هذا الحديث مختصر يعني من قطع سدرة في فلاة يستظل بها ابن السبيل و البهائم غشما وظلما بغير حق يكون له فيها صوب الله راسه في النار -

297w **Osman-b-Affan** reported: When boundaries are placed in lands, there is no preemption therein; and no preemption in well, nor in date trees. —*Malik*

عن عثمان بن عفان قال اذا وقعت الحدود في الارض فلا شفعة فيها ولا شفعة في بئر ولا فحل النخل - (مالك)

CHAPTER XVI

877—Lost things and troves

Lookta is a lost thing which a person finds on the way and takes away for handing it over to the rightful owner. It remains as a trust to the finder till the owner is found after proclamation and notice. If, however, the owner is not found though notice was given to all, after a lapse of one year the property becomes under the ownership of the finder. If any damage is caused to the property which is in custody, the finder is not responsible for it. The finder must have witnesses at the time when he takes the lost thing (16 : 6). If, however, he takes it without witnesses and not for the owner as in a trust, the finder is responsible for the trove. The trove is sufficiently witnessed by the finder's notification of it to the bystanders. A trove under 10 dirhams (or Rs. 2-8) must be advertised for some days, and above this sum for one year. This is the opinion of Imam Abu Hanifa. Things of perishable nature may be sold at once and money deposited. Troves of insignificant nature such as stick, whip or rope may be appropriated to one's own use if no owner is found on the spot for a considerable time (16 : 7). Stray animals ought to be

secured and taken care of for the owners, but the finder is not responsible for their subsistence. The claimant of a trove must prove his right by evidence, but it may be delivered to him upon his describing the token of it.

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1. **Zaid-b khalid** reported that a man came to the Holy Prophet and asked him about a lost thing. He said : Keep intact its cover and its knot and then notify it for one year. If then its owner comes, (good), and if not, you have got right to it. He asked : (About) flock that have strayed ? He said : Those are for you, or for your brother or for wolf. He enquired : (About) camels that have strayed ? He replied : (Take) what is for you, and what is with them is for them —their water and their bag. They will come to water and eat plants till their master finds them. *Agreed upon it.* In a narration of Muslim, he reported : Notify them for a year and then preserve their cover and knots and then spend for them If then their master comes, hand them over to him.

عن زيد بن خالد قال جاء رجل الى رسول الله صلعم فسأله عن اللقطة فقال اعرف عفاصها ووكاءها ثم عرفها سنة فان جاء صاحبها والا فشأنك بها قال فضالة الغنم قال هي لك او لاخيك او للذئب قال فضالة الابل قال مالك ولها معها سقاؤها وحذاؤها ترد الماء وتاكل الشجر حتى يلقاها ربها متفق عليه وفي رواية لمسلم فقال عرفها سنة ثم اعرف وكاءها وعفاصها ثم استنفق بها فان جاء ربها فادها اليه ـ

2. **Same** reported that the Messenger of Allah said: Whoso gives shelter to a strayed animal is misguided so long as he does not notify it. —*Muslim.*

عنه قال قال رسول الله صلعم من اوى ضالة فهو ضال ما لم يعرفها ـ (مسلم)

3. **Abdur Rahman-b Osman** Taimi reported that the

عن عبد الرحمن بن عثمان التيمي ان

Messenger of Allah forbade taking the lost thing of a pilgrim.[878] —*Muslim.*

رسول الله صلعم نهى عن لقطة الحاج - (مسلم)

4. Amr-b-Shuaib reported from his father from his grant-father from the Messenger of Allah who was asked about hanging fruits He said : Whoever eats therefrom out of necessity without taking away in bag, there is nothing against him. And whoever takes out anything therefrom, there is upon him compensation of its double and also punishment ; and whoever steals away anything therefrom after the picker has picked it up and it reaches the price of a shield, there is cutting (of hand) upon him. And he mentiond about strayed camels and sheep just as he mentioned about others. He narrated that he (Prophet) was asked about the trove. He said : (About) anything therefrom in a public road or a crowded village, proclaim it for one year. If then its owner comes, give it to him, but if he does not come, it is for you. And what is in an unfrequented ground—about it and about the hidden treasure, there is one-fifth. —*Nisai, Abu Daud.*

عن عمرو بن شعيب عن ابيه عن جده عن
رسول الله صلعم انه سئل عن الثمر المعلق فقال
من اصاب منه من ذي حاجة غير متخذ خبنة
فلا شيء عليه و من خرج بشيء منه فعليه
غرامة مثليه والعقوبة و من سرق منه شيئا بعد
ان يؤويه الجرين فبلغ ثمن المجن فعليه
القطع و ذكر في ضالة الابل و الغنم كما ذكر
غيره قال و سئل عن اللقطة فقال ما كان منها
في الطريق الميتاء و القرية الجامعة فعرفها
سنة فان جاء صاحبها فادفعها اليه و ان لم يات
فهو لك و ما كان في الخراب العادي ففيه و
في الركاز الخمس - (النسائي و ابو داود)

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878. It is unlawful to become owner of a lost thing in Mecca. It should be left as it is till its owner comes. This is the mazhab of Imam Shafeyi. According to others, there is no distinction of places.

5. **Abu Sayeed al-Khodri** reported that Ali-b-Abi Taleb found a dinar and came to Fatimah therewith. The Holy Prophet asked him about it. The Prophet said : This is the provision of Allah. The Holy Prophet ate of it, and also Ali and Fatima ate. Afterwards a woman came crying for the dinar. The Holy Prophet said : O Ali ! pay the dinar. —*Abu Daud.*

عَنْ أَبِي سَعِيدِ نِ الْخُدْرِيِّ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ وَجَدَ دِينَارًا فَأَتَى بِهِ فَاطِمَةَ فَسَأَلَ عَنْهُ رَسُولَ اللهِ صلعم فَقَالَ رَسُولُ اللهِ صلعم هٰذَا رِزْقُ اللهِ فَأَكَلَ مِنْهُ رَسُولُ اللهِ صلعم وَأَكَلَ عَلِيٌّ وَفَاطِمَةُ فَلَمَّا كَانَ بَعْدَ ذٰلِكَ أَتَتْ امْرَأَةٌ تَنْشُدُ الدِّينَارَ فَقَالَ رَسُولُ اللهِ صلعم يَا عَلِيُّ أَدِّ الدِّينَارَ - (ابو داود)

6. **Eyaz-b-Himar** reported that the Messenger of Allah said : Whoever finds a lost thing, let him take a just man or two to witness it,and he must not conceal or keep it unproclaimed. If he finds its owner, let him return it to him, but if not, it is the property of Allah. He gives it to whom He pleases. —*Ahmad, Abu Daud.*

عَنْ عِيَاضِ بْنِ حِمَارٍ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مَنْ وَجَدَ لُقَطَةً فَلْيُشْهِدْ ذَوَا عَدْلٍ أَوْ ذَوِي عَدْلٍ وَلَا يَكْتُمْ وَلَا يُغَيِّبْ فَإِنْ وَجَدَ صَاحِبَهَا فَلْيَرُدَّهَا عَلَيْهِ وَإِلَّا فَهُوَ مَالُ اللهِ يُؤْتِيهِ مَنْ يَشَاءُ (احمد وابو داود)

7. **Jaber** reported that the Holy Prophet gave permission to us about whip, stick, rope and similar things which a man can pick up in order to get benefit therefrom. —*Abu Daud*

عَنْ جَابِرٍ قَالَ رَخَّصَ لَنَا رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فِي الْعَصَا وَالسَّوْطِ وَالْحَبْلِ وَأَشْبَاهِهِ يَلْتَقِطُهُ الرَّجُلُ يَنْتَفِعُ بِهِ - (ابو داود)

298w. **Jarud** reported that the messenger of Allah said : Anything lost of a Muslim is a fleak of the fire. —*Darimi.*

عَنِ الْجَارُودِ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ ضَالَّةُ الْمُسْلِمِ حَرَقُ النَّارِ (الدارمي)

CHAPTER XVII

SECTION I

879-Begging

(A) **Islam solved begging problem.** Begging is a nuisance for prevention of which the modern civilised societies are trying to promulgate enactments. Many puzzle their heads by devising ways and means as to how to prevent it without jeopardising the cause of the poor and shutting up the possible doors of earnings for the deserving beggars. The sound policy in this matter which has baffled the most fertile brains of the world was promulgated by the Holy Prophet of Islam. He did not leave the poor from scathing condemnation and threatening with eternal hell. He made it unlawful except in case of deserving persons. At the same time he left instructions to the rich not to return a beggar. The Quran says : And as for a beggar, don't drive him—(93 : 10Q). Thus there is recognition of rights and liabilities. The mutual duties and obligations of the beggars and those begged have been laid down for peaceful progress of the society. The Prophet not only delivered theoritical advices, but also framed definite rules, so that there might be no poverty in Islam and no poor man to beg from door to door. These are the rules of Charity, Zakat, Fitr at the time of I'd festivals, and the duties towards the neighbours and the needy relatives. The greatest merit, as the Holy Prophet said, is in alms towards near relatives who are in want and distress. This sound policy consists in the fact that if the poor relatives of a particular family and village are maintained by that family and village men as instructed by the Holy Prophet by Zakat and other charities, there will be no poor to beg from door to door in towns and villages. Thus the supposed nuisance may conveniently be abolished.

(B) **Begging lawful and unlawful.** As a general rule, begging is unlawful in Islam for the following reasons :—

(1) By begging, a man loses reliance upon Allah and complains indirectly against Allah's gifts which are so interwoven in his very person and all round the universe. Instead of turning to Allah for assistance and help, he turns towards men. Therefore the Quran says : And He will give him provision from whence he thinks not ; and whoever trusts in Allah, He is sufficient for him (65 : 3Q).

(2) By begging, the beggar lowers himself before his fellow creatures and brings himself in contemptible estimation of the people. A believer, however, should not lower himself except to Allah.

(3) By begging, the beggar gives uneasy trouble to one begged. The latter feels annoyance and is put between two horns of a dilemma —to pay or not to pay. If alms are paid, there is loss in property; and if not paid, there is loss in fame and fear of Allah. Thus unnecessary trouble is given to a Muslim to whom the beggar comes for alms.

(C) **Cases of lawful begging.** It is however lawful for one who is compelled by necessity to beg. In the following cases, begging is lawful. (1) A surety may beg for satisfaction of his principal's debt for which he stood surety, no matter whether he is rich or poor (17 : 11). The cause is that he was a peace-maker and in order to put an end to disputes and litigations between two contending parties, he stood surety for one of them. (2) A man whose everything has been accidentally destroyed by Vismajor or acts of God such as flood, earthquake, erosion of river, famine etc. can beg. (3) A man who is in dire necessity of food, abode and clothing can also beg. If a rich man falls in distress or hunger where nothing is available, it is lawful for him to beg. Similarly a poor man having no sufficient means can lawfully beg.

(D) **Extent of means which makes begging lawful.** No hard and fast rules have been laid down for this as necessities vary in different individuals. A man seriously ill and requiring immediate medical relief may lawfully beg for a motor-car to take him immediately to a hospital. Generally it varies from possession of nothing to that of 40 or 50 dinars (17 : 11). The Holy Prophet said that a man having one day's meal or one day and one night's meal cannot beg (17 : 10). At another time, he said that a man having 50 dinars cannot lawfully beg (17 : 9). Imam Abu Hanifa accepts the former as the correct version. At any rate, it is difficult to ascertain the exact boundary line of means which prevent a man from begging. It varies from one day and one night's food to possession of 50 dinars. Question arises here whether food or dinar is for one single self or for his whole family.

It is unlawful to beg with the intention of increasing wealth (17 : 2) and begging is also unlawful for a stout and strong man able to earn— (17 : 11). The Holy Prophet once sent a man to a forest with an axe to gather wood and sell it for livelihood rather than begging

(17 : 1). He thus raised the dignity of labour for a capable man and said: The upper hand is better than the lower (upper meaning charitable and lower begging)—(17 : 6). Some, however, hold the opinion that an able-bodied man with want can beg by observing the following three conditions—*(a)* without bringing humiliation upon himself, *b)* without excessive begging and *(c)* without inflicting trouble to one who is begged of. Begging in public places and mosques is Makruh. Men who come with songs by beating drums or by taking dress of females and men feigning to be pious cannot lawfully beg.

(E) **Condemnation of begging**. From the following verses and Hadis, it can be guessed how strongly was begging condemned:—Allah certainly loves a servant, believing, poor, abstaining from begging, and having a big family (3 : 29). Except Paradise, you should not beg anything for the sake of Allah—8 : 23. Whoso opens a gate of begging, Allah will open for him 70 gates of poverty (Ihya, P. 58, Vol.—2). These beggars beg nothing of men but burning coals of Hell-fire—17 : 2, 3. They will come on the Resurrection Day with permanent scratches upon their faces (17 : 8). Some people one adopted Islam and the Holy Prophet told them a secret word—Beg nothing of men. The Quran praises those who do not beg. It says: They don't beg from men importunately—2 : 273Q. As for the beggar, don't threaten him—93 : 10 Q. Regarding a proud beggar, it has been said that Allah will not talk with him on the Resurrection Day—26 : 40. Begging is unlawful except for three—17 : 1a ; upper hand is better than lower hand—17 : 5, 6; Prophet's charity is exemplary—17 : 7 ; patience is an excellent quality—17 : 7 ; Prophet disliked hoarding—17 : 7.

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1. **Zubair-b-Awam** reported that the Messenger of Allah said: That one of you takes his rope and then comes with a load of wood upon his back and sells it is better than to beg of men whether they give or reject it. —*Bukhari.*

عن الزبير بن العوام قال قال رسول الله صلعم لأن يأخذ أحدكم حبله فيأتي بحزمة حطب على ظهره فيبيعها خير له من أن يسأل الناس أعطوه أو منعوه - (البخاري)

1. **Qabisah-b-Makhareq** reported : I became surety for a debt and came to the Messenger of Allah to ask him about it. He said : Wait till charity tax comes to us, and then we shall order something therefrom for you. Then he said : O dear Qabisah ! surely begging is not lawful except for one of these three (reasons) —a man who becomes surety for a debt ; it then becomes lawful for him to beg till he gets it, and then he shall withhold ; a man having met with a misfortune which has ruined his property—it is lawful for him to beg till it enables him to support livelihood (or he said means of livelihood) ; and a man whom dire necessity attacked, till three men of understanding of his tribe shall stand up (and say) : Dire necessity afflicted such one—it is lawful for him to beg till he finds means for livelihood (or he said, means of livelihood) O Qabisah! what is besides these in begging is unlawful, its owner eats unlawful things. —*Muslim*

عن قبيصة بن مخارق قال تحملت حمالة فأتيت رسول الله صلعم أسأله فيها فقال أقم حتى تأتينا الصدقة فنأمر لك بها ثم قال يا قبيصة إن المسألة لا تحل إلا لأحد ثلاثة رجل تحمل حمالة فحلت له المسألة حتى يصيبها ثم يمسك ورجل أصابته جائحة اجتاحت ماله فحلت له المسألة حتى يصيب قواما من عيش أو قال سدادا من عيش ورجل أصابته فاقة حتى يقوم ثلاثة من ذوي الحجى من قومه لقد أصابت فلانا فاقة فحلت له المسألة حتى يصيب قواما من عيش أو قال سدادا من عيش فما سواهن من المسألة يا قبيصة سحت يأكلها صاحبها سحتا (مسلم)

2. **Abu Hurairah** reported that the Messenger of Allah said : Whoso begs of men their properties for bargain, begs certainly of life-coals. So tell him to beg little or more. —*Muslim.*

عن أبي هريرة قال قال رسول الله صلعم من سأل الناس أموالهم تكثرا فإنما يسأل جمرا فليستقل أو ليستكثر (مسلم)

3. **Abdullah-b-Omar** reported that the Messenger of Allah said : Man will continue to beg of men till he will come on the Resurrection Day without any piece of flesh in his face. —*Agreed*.

عن عبد الله بن عمر قال قال رسول الله صلعم ما يزال الرجل يسأل الناس حتى يأتي يوم القيمة ليس في وجهه مزعة لحم (متفق عليه)

4. **Muwayiah** reported that the Messenger of Allah said : Commit no excess in begging. By Allah, none of you should beg anything of me while his begging should take out anything from me inspite of my unwillingness for it and then blessing occurs to him about what I have given him.[880] —*Muslim*.

عن معاوية قال قال رسول الله صلعم لا تلحفوا في المسألة فوالله لا يسألني احد منكم شيئا فتخرج له مسألته مني شيئا وانا له كاره فيبارك له فيما اعطيته (مسلم)

5. **Hakim-b-Hazam** reported : I begged of the Messenger of Allah and he gave me. Again I begged of him and again he gave me. Afterwards he said to me : O Hakim ! this property is surely sweet, pleasant. So whoso takes it with generous mind finds for him blessing therein, and whoso takes it with stingy mind, there is no blessing for him therein, and he becomes like one who eats but is not satisfied ; and the upper hand is better than the lower hand.[881] Hakim said : I asked —O Messenger of Allah ! by One who sent you

عن حكيم بن حزام قال سألت رسول الله صلعم فاعطاني ثم سألته فاعطاني ثم قال لي يا حكيم ان هذا المال خضر حلو فمن اخذه بسخاوة نفس بورك له فيه ومن اخذه باشراف نفس لم يبارك له فيه وكان كالذي ياكل ولا يشبع واليد العليا خير من اليد السفلى قال حكيم فقلت يا رسول الله والذي بعثك

880. This means that charity with discrimination and unwillingness brings no blessing. Whatever is given should be cheerfully given in the name of Allah, and such hand of charity may bring much more rewards.

881. "The upper hand is better than the lower hand" means charity is

with truth, I shall not extend my hand after you for anything towards anybody till I leave this world. —*Agreed*

بالحق لا أرزأ أحدا بعدك شيئا حتى أفارق الدنيا (متفق عليه)

6. **Ibn Omar** reported that the Holy Prophet said while he was on the pulpit speaking about charity and refraining from begging: The upper hand is better than the lower hand, and the upper hand is that which gives and the lower is that which begs. —*Agreed*

عن ابن عمر أن رسول الله صلعم قال وهو على المنبر وهو يذكر الصدقة والتعفف عن المسألة اليد العليا خير من اليد السفلى واليد العليا هي المنفقة والسفلى هي السائلة (متفق عليه)

7. **Abu Sayeed al-khodri** reported that some men of the Ansars begged of the Prophet and he gave them. Then they begged of him again, and again he gave them, till what was with him came to an end.[882] So he said: There comes to me nothing of wealth which I withhold from you, and whoso abstains (from begging), Allah will protect him, and whoso thinks himself free from want, Allah makes

عن أبي سعيد الخدري قال إن أناسا من الأنصار سألوا رسول الله صلعم فأعطاهم ثم سألوه فأعطاهم حتى نفد ما عنده فقال ما يكون عندي من خير فلن أدخره عنكم ومن يستعفف يعفه الله ومن يستغن يغنه الله

better than begging. This tradition shows what a great magnetic force the Prophet had upon his followers; and how willingly they submitted to the Prophet and obeyed his sermons. Indeed a man can be judged only by his contemporaries, and the contemporaries judged the Holy Prophet as the greatest man and Prophet.

882. This shows what a great magnanimity of heart the Holy Prophet had. He never stored up anything in his life for future use. Had he been greedy for kingdom, he could have amassed wealth. He showed that self-help is the first step to invoke help from Allah. Whoso abstains from begging Allah will surely protect him from needs of men and unlawful things. Whoso thinks himself independant of men and relies absolutely on Allah, Allah will make him free from wants of men and instil contentment in his mind. Whoever is patient, Allah will give him means to keep patience. These words of wisdom fell like precious jems from Prophet's lips.

him free, and whoso remains patient, Allah gives him patience, and none was given a gift that is better and more generous than patience. —*Agreed.*

ومن يتصبر يصبره الله وما اعطى احد عطاء هو خير و اوسع من الصبر - (متفق عليه)

8. **Samorah-b-Jundub** reported that the Messenger of Allah said : Beggings are scratches with which a man scratches his own face. So whoever likes may make them permanent upon his face, and whoever likes may avoid them-except a man's begging to a man of power or in an affair from which there is no escape.[883] —*Abu Dawd, Tirmizi, Nisai.*

عن سمرة بن جندب قال قال رسول الله صلى الله عليه وسلم المسائل كدوح يكدح بها الرجل وجهه فمن شاء ابقى على وجهه ومن شاء تركه الا ان يسال الرجل ذا سلطان او فى امر لا يجد منه بدا - (ابو داود والترمذي والنسائي)

9. **Abdullah-b-Mas'ud** reported that the Messenger of Allah said : Whoso begs of men while there is for him what is sufficient for him, will come on the Resurrection Day with his beggings as scratches, wounds or bruises on his face. It was questioned : O Messenger of Allah ! what is sufficient for him ? He said : 50 dirhams or their price in gold. —*Abu Daud, Tirmizi, Nisai, Ibn Majah.*

عن عبد الله بن مسعود قال قال رسول الله صلى الله عليه وسلم من سال الناس وله ما يغنيه جاء يوم القيمة ومسئلته فى وجهه خموش او خدوش او كدوح قيل يا رسول الله ما يغنيه قال خمسون درهما او قيمتها من الذهب - (ابو داود والترمذي والنسائي و ابن ماجة)

10. **Sahl-b-Hanjaliyyah** reported that the Messenger of Allah said : Whoever begs while he has got what will be sufficient for him, verily he begs of the fire. Nufali who was one of its

عن سهل بن الحنظلية قال قال رسول الله صلى الله عليه وسلم من سال وعنده مايغنيه فانما يستكثر من النار قال النفيلي وهو احد

883. Begging from kings and governments possessing public treasury is lawful, as they have got a fixed amount in public treasuries for relief of the poor and the distressed in time of need.

narrators in another place asked: And who is a solvent man for whom begging is unlawful? He (Prophet) said: Such means which give him food morning and night. He said in another place: To have for him food for a day or for a night and a day.[884]

—*Abu Daud.*

رواته في موضع آخر وما الغنى الذي لا تنبغي معه المسئلة قال قدر ما يغديه و يعشيه و قال في موضع آخر ان يكون له شبع يوم او ليلة و يوم (ابو داود)

11. **Hubshi-b-junadah** reported that the Messenger of Allah said: Begging is not lawful for the solvent, nor for one who is stout and strong except for one who has got pressing poverty or destroying debt. And whoso begs of men to increase his wealth, he will have scratches on his face on the Resurrection Day, and hot stone of Hell which he will devour. So whoso likes, let him beg little; and whoso likes, let him beg much.[885]

—*Tirmizi.*

عن حبشي بن جنادة قال قال رسول الله صلعم ان المسئلة لا تحل لغني و لا لذي مرة سوي الا لذي فقر مدقع او غرم مفظع ومن سال الناس ليثري به ماله كان خموشا في وجهه يوم القيمة و رضفا ياكله من جهنم فمن شاء فليقل و من شاء فليكثر (الترمذي)

12. **Ata-b-Yasar** from a man of Banu Asad reported that the Messenger of Allah said: Whoso begs of you while he has got 40 dirhams or their equivalent, he begs importunately.[886]

Malek, Abu Daud, Nisai.

عن عطاء بن يسار عن رجل من بني اسد قال قال رسول الله صلعم من سال منكم وله اوقية او عدلها فقد سال الحافا

(مالك و ابو داود و النسائي)

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884 Nufali was a teacher of Abu Daud. This hadis shows that begging for a man who has got one day's food is unlawful, while other traditions (17 : 9, 11) show that a man having 40 or 50 dirhams cannot beg. The latter is supported by Ahmad, Ibn Mobarak and Ishaq, while the former by Imam Abu Hanifa. The latter says that this tradition abrogates the other traditions on the subject.

885. This is by way of explanation of the Quranic verse: They don't beg of men importunately (2: 273Q). Begging importunately means begging for anything without any need for it. 40 dirhams is the limit which makes begging unlawful. It is equivalent to Rs. 10 nearly.

886. This is by way of warning and threat. It sounds exactly with

13. Ibn Mas'ud reported that the Messenger of Allah said: Whoever is afflicted with hunger and comes down to men therefor, his hunger will not be appeased. Whoever comes up to Allah, it is near that He will make him free from want either with speedy death or speedy wealth.[887]

—*Abu Daud, Tirmizi.*

عن ابن مسعود قال قال رسول الله صلعم من اصابته فاقة فانزلها بالناس لم تسد فاقته ومن انزلها بالله اوشك الله له بالغني اما بموت عاجل او غنى آجل - (ابو داود والترمذي)

14. Ibnul-Ferasi reported that Ferasi asked the Messenger of Allah: Shall I beg, O Messenger of Allah? "No" the Holy Prophet said, "if you are compelled to do it, beg of the pious."

—*Abu Daud.*

عن ابن الفراسي ان الفراسي قال لرسول الله صلعم أسأل يا رسول الله فقال النبي صلعم لا وان كنت لا بد فسل الصالحين - (ابو داود)

15. Saoban reported that the Messenger of Allah said: Whoso gives guarantee to me that he will not beg anything of men, I shall give guarantee to him for Paradise. Saoban said 'I'. He did not beg anything of men (afterwards).

—*Abu Daud, Nisai.*

عن ثوبان قال قال رسول الله صلعم من يكفل لي ان لا يسأل الناس شيئا فاتكفل له بالجنة فقال ثوبان انا فكان لا يسأل احدا شيئا - (ابو داود والنسائي)

16. Omme-Buzaid reported that the Messenger of Allah said: Turn away a beggar although with a burnt hoof.[888]

—*Malek, Nisai and Tirmizi; and Abu Daud narrated like it.*

عن ام بجيد قالت قال رسول الله صلعم ردوا السائل ولو بظلف محرق (مالك والنسائي والترمذي وروى ابو داود معناه)

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the following verse of the Quran Whoever wishes, let him accept faith; and whoever wishes, let him be an infidel. Verily We have prepared Hell for the oppressors.

887. This has been taken from the following verse of the Holy Quran: Whoever guards himself for Allah, Allah will make out a way for him and he will not be able to think from where. He will supply him provision, and whoever resigns himself entirely to Allah, He is sufficient for him (65 : 3Q).

888. The beggar, however rich he may be, should not be turned away by any man without giving anything, however insignificant it might be. The Quran says: As for the beggar, don't drive him out (93 : 10Q).

17. **Husain-b-Ali** reported that the Messenger of Allah said: There is a duty towards a beggar though he arrives (riding) on a horse. —*Abu Daud.*

عَنِ الْحُسَيْنِ بْنِ عَلِيٍّ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ لِلسَّائِلِ حَقٌّ وَإِنْ جَاءَ عَلَى فَرَسٍ - (ابوداود)

299w. **Abu Zarr** reported: The Messenger of Allah prayed for my blessing while he made a condition with me—you shall not beg anything of men; ('Yes' said I); nor your staff if it has fallen down from you, till you come down to it and take it. —*Ahmad.*

عَنْ أَبِي ذَرٍّ قَالَ دَعَا لِي رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ وَهُوَ يَشْتَرِطُ عَلَيَّ أَنْ لَا تَسْأَلَ النَّاسَ شَيْئًا قُلْتُ نَعَمْ قَالَ وَلَا سَوْطَكَ إِنْ سَقَطَ مِنْكَ حَتَّى تَنْزِلَ إِلَيْهِ فَتَأْخُذَهُ - (احمد)

300w. **Ali** reported that he heard of a man begging of men on Arafat day. He asked: Are you on this day in this place begging of anybody else other than Allah? Then he gave him a beating with a stick. —*Razin.*

عَنْ عَلِيٍّ أَنَّهُ سَمِعَ يَوْمَ عَرَفَةَ رَجُلًا يَسْأَلُ النَّاسَ فَقَالَ أَفِي هٰذَا الْيَوْمِ وَفِي هٰذَا الْمَكَانِ تَسْأَلُ مِنْ غَيْرِ اللهِ فَخَفَقَهُ بِالدُّرَّةِ - (رزين)

CHAPTER XVII

SECTION 2

889. Earnings

(a) Provision in the hands of Allah.

The Almighty Allah sent provisions for men and animals as He sent them to this world. But for His infinite mercy, we would not have at all breathed for a single moment. Take away air from the world, our breath will at once extinguish, take away earth which yields trees, plants, and green vegetables which supply food for men, no animal can then live. Unless He sent down rain from above, there would have been permanent drought. Even in case of rains, crops can not luxuriously grow unless placed under suitable conditions. So it is seen that the Almighty Providence placed everything in this world which can supply food to animals for their upkeep. This is not only true in case of physical existence but also in case of spiritual nourishment

as the Quran was supplied to us for the latter purpose. So the Quran **says** : He provides you from where you do not know (65 : 3Q).

(*b*) **Efforts in earnings.** Man is only to know the science of natural laws for growth of crops and fruits and cut them from the fields and places of actions and make them fit for human consumption. Without efforts, nothing can be earned. The Quran recites : There is nothing for men but what he strives for (53 : 59Q). So it is clear that our hands and brains should be engaged in finding out the best methods of earnings.

(*c*) **Lawful sources of earnings.** There are innumerable lawful sources of earnings. They are classed below in order of preference in Islam.

1. **Zihad or fight for religion.** This is the best method of earning both spiritual and temporal If victory is won, there is enormous booty and conquest of a country which cannot be equalled to any other source of earings. If there is defeat or death, there is ever-lasting Paradise and a great spiritual benefit. This sort of Zihad is conditional upon pure motive i.e. for establishing the kingdom of Allah on earth.

2. Next comes in order of preference **Trade and Commerce** which will be discussed in the next chapter.

3. **Industry** such as manufacture of cloth, iron, steel, plate, soap, and oil-producing, bread-making, thread-preparing. etc.

4. Cultivation and agriculture.

5. Service or employment.

(*d*). **Different kinds of earnings.** Earnings are of different kinds—compulsory, commendable, lawful, unlawful and abominable. They are termed in Arabic Farz, Mustahab, Mubah, Haram, and Mukruh respectively. Earning is compulsory when a man having had no means for livelihood engages himself in any lawful professions for maintenance of himself and his family members. But for this earning, he and his family shall have to starve for want of food and clothing. This is Farz or compulsory earning. Earning is commendable (Mustahab) with regard to a man who has got means for livelihood for himself and his family but who still earns with intention of helping the poor, distressed and religious cause. Earning is simply lawful (Mubah) when a man earns without any intention of good or bad though he has got sufficient means. Earning is unlawful (Haram) if a rich man earns with intention of hoarding, committing unlawful things or showing

pomp and grandeur in this world. Earning is abominable (Makruh) for one who is solvent and who is engaged in divine worship or religious affairs.

(*e*) **Unlawful earnings.** All unlawful means of acquiring wealth have been denounced. The Quran says : O you who believe ! do not devour your property among yourselves falsely except that it be trading by your mutual consent – 4 : 29Q. "And do not swallow down your property among yourselves by false means, neither seek to gain access thereby to the judges, so that you may swallow up a part of the property of men wrongfully which you know—2 : 188Q. Earnings from the following sources are unlawful. (1) Extortion of property from others (14 : 12). (2) Dacoity, theft and deceit (5 : 33, 38Q). (3) Games of chance, bridge-playing, lottery, races and wine-selling. The Quran says : They ask you about intoxicants and and games of chance. Say in both of them there is a great sin and some advantages for men, but their sin is greater than their advantages-2 : 219Q (4) Price of blood and dogs (17 : 1). (5) Money-lending bussiness with interest (13 : 1). (6) Earnings of prostitutes, singing girls etc. (17 : 303w). (7) Earnings of makers of life pictures (17 : 21). (8) Price of dead animals and idols (17 : 22) (9) Bribery (note 434). (10) Earnings of a sooth sayer (17 : 30).

(*f*) **Merits of lawful earnings.** There is no better food than what is acquired from lawful earnings (4 : 109). Imam Gazzali said in his Yahya-ul-Ulum about a tradition which runs thus : Whoso eats lawful things for 40 days, Allah will fill up his heart with light and will raise springs of wisdom in his heart and tongue. Abadat (divine service) consists of ten parts, nine of which is in lawful earnings. Allah is pure and loves purity in earnings—17 : 18. Search for lawful earnings is a bounden duty—4 : 129w.

(*g*) **Condemnation of unlawful earnings.**

Allah does not accept supplication of one whose flesh has grown out of unlawful earnings (17 : 302w). He will not enter Paradise-17 : 304w. Allah will not respond to a man who eats unlawful food-17 : 18. In latter times, there will be no distinction between lawful and unlawful earnings—17 : 20.

(*h*) **In Islam men and women have equal rights in earnings.**

Islam makes no distinction in earnigns of men and women. It recognised everyone's efforts and gives him or her a due share in his

or her earnings. It is thus opposed to extreme Bolshevism which recognises no individual rights in earnings. It is socialistic in its tendencies in as much as it tries to bring about a more or less distribution of wealth. The Holy Quran says : Men shall have the benefit of what they earn, and women shall have the benefit of what they earn —4 : 32Q. Men shall have a portion of what the parents and near relatives leave, and women shall have a portion of what the parents and near relatives leave—4 : 7Q.

(i) **Dignity of manual labour.** This has been dealt with in note 316. All the Prophets worked with their own hands for livelihood, because there is no better food than that acquired by one's manual labour (4 : 109). The sale of a load of wood is better than begging—4 : 108.

CONTENTS :—

Between lawful and unlawful things, there are doubtful things which must be guarded against —17 : 19 ; if heart is sound, whole body is sound —17 : 19 Three traditions on which Islam is based—note 891 : meaning of Muttaqi —17 : 26 ; drinking and the perticipators of its preparation are cursed —17 ; 27 ; when Allah provides one with a means of livelihood, he should not give it up—17 : 29 ; and extreme piety of Abu Bakr and Omar by vomitting unlawful things—17 : 30 ; 305w ; charity from lawful earnings increases —17 ; 310 ; expense for purchasing lands and construction of buildings brings no reward—17 : 34 ; charity from unlawful income brings no reward —17 ; 301w ; renunciation is in lawful earning and shortening of hopes —17 : 307w ; earning for maintenance of family and of neighbours brings rewards—17 : 308w.

Reference—Quran :— 18 : 46 ; 24 : 22 ; 34 : 37 ; 57 : 20 ; 89; 20 100 : 8 ; 102 : 1,

Hadis :—1 : 2, 3, 43, 78 ; 2 :4, 37, 129 ; 3 : 53w, 57w.

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18. **Abu Huraira** reported that the Messenger of Allah said : Verliy Allah is pure. He does not accept but what is pure. And verily Allah ordered the believers with which He ordered the Prophets. He said: O prophets ! eat of the pure things and do good deeds. And He said : Eat of the pure things with which We provided you. Then he mentioned

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم
إِنَّ اللّٰهَ طَيِّبٌ لَا يَقْبَلُ إِلَّا طَيِّبًا وَ إِنَّ اللّٰهَ
أَمَرَ الْمُؤْمِنِينَ بِمَا أَمَرَ بِهِ الْمُرْسَلِينَ فَقَالَ يَاأَيُّهَا
الرُّسُلُ كُلُوا مِنَ الطَّيِّبَاتِ وَاعْمَلُوا صَالِحًا وَ قَالَ
يَاأَيُّهَا الَّذِينَ آمَنُوا كُلُوا مِنْ طَيِّبَاتِ مَا رَزَقْنٰكُمْ

about a man dishevelled in hair and laden with dust, making his journey long and extending his hand towards heaven: O Lord! O Lord! while his food was unlawful, his drink unlawful, his dress unlawful and he was nourished with unlawful things. How can he be responded to for that?[890]—*Muslim.*

ثم ذكر الرجل يطيل السفر أشعث أغبر يمد يديه إلى السماء يا رب يا رب ومطعمه حرام ومشربه حرام وملبسه حرام وغذي بالحرام فأنى يستجاب لذلك - (مسلم)

19 **Nu'man-b-Bashir** reported that the Messenger of Allah said: Lawful things are manifest and unlawful things are also manifest, and between the two are the doubtful things which many people do not know. Whoso guards against the doubtful things, he makes his religion and honour pure; and whoso falls in the doubtful things, falls in unlawful things like a shepherd who grazes his flock round a reserved pasture ground and doubts grazing therein. Behold! there is a reserved meadow for everything. Behold the reserved meadow of Allah is His forbidden things. Behold! there is a piece of flesh in the body. When it is sound, the whole body is sound, and

عن النعمان بن بشير قال قال رسول الله صلعم الحلال بين والحرام بين و بينهما مشتبهات لا يعلمهن كثير من الناس فمن اتقى الشبهات استبرأ لدينه وعرضه ومن وقع في الشبهات وقع في الحرام كالراعي يرعى حول الحمى يوشك أن يرتع فيه ألا وإن لكل ملك حمى ألا وإن حمى الله محارمه ألا وإن في الجسد مضغة إذا صلحت صلح الجسد كله وإذا فسدت

890. Prayer is accepted upon two conditions—if a man is truthful, and if he is fed, clothed and nourished by lawful and pure things. Earnest prayer of a man in journey such as in pilgrimage, acquisition in learning etc. is accepted provided he observes the former two conditions. As light and darkness cannot live together, so purity and impurity, cleanliness or uncleanliness cannot live together. Allah is pure and He loves purity of men. If lawful and unlawful things are not observed, there is then no distinction between men and lower animals. Animals take grass from whichever field they get it. They can't have any sense of distinction. So also men who have got no sense of ownership. Such is the time in which we live. The only motto of the present world is to achieve object by any means, fair or foul.

when it is unsound, the whole body becomes unsound. Behold! it is the heart![891] —*Agreed.*

فسد الجسد كله الا وهي القلب
(متفق عليه)

20. **Same** reported that the Messenger of Allah said: A time will come over men in which a man will not care from where he takes, whether from lawful things or from unlawful things. —*Bukhari.*

عنه قال قال رسول الله صلعم يأتي على الناس زمان لا يبالي المرء ما اخذ منه أمن الحلال أم من الحرام (البخاري)

21. **Abu Huzaifah** reported that the Holy Prophet prohibited price of blood and price of dog and earnings of the prostitute. And he cursed the devourer of usury and its giver, the tatooer and the tatooed and the painter (of life-pictures).[892] —*Bukhari.*

عن ابي جحيفة ان النبي صلى الله عليه وسلم نهى عن ثمن الدم وثمن الكلب وكسب البغي ولعن اكل الربوا وموكله والواشمة والمستوشمة والمصور (البخاري)

22. **Jaber** reported that he heard the Messenger of Allah say in the year of victory while he was at Mecca: Verily Allah and

عن جابر انه سمع رسول الله صلى الله عليه وسلم يقول عام الفتح وهو بمكة

891. This is one of the three traditions which are considered by the theologians to contain sources of Islamic law and great wisdom. The other two traditions are the following:—(a) Actions are judged by motives (1:1). (b) The beauty of Islam of a man is his giving up what is of no use to him (17:26). Lawful things are manifest means lawful things have been made clear and distinct by the Holy Quran, and unlawful things also have been made so such as wine drinking, stealing, fornication, murder for unjust cause etc. What is between these distinct lawful and unlawful things is a thing which is doubtful. About these things, the learned theologians differ and quarrel with one another. As a result, the indivisible Islam has been divided into sects and subjects and the whole Muslim solidarity has been shaken and rent asunder. The true principle to be followed in these doubtful things is to avoid them in order to remain on the safer side. If a man falls within the enclosure of the doubtful things, he is then nearest to Haram and is on its border line. Thus he has got the greatest chance of falling into it being led by temptations As cattle do not care to take a grass or two from the nearest field while grazing, man also may be an easy prey to unlawful things if he resides at their border line. The true and wise pious man keeps himself at the safest distance from the boundary line of unlawful things. In doubtful things, theologians created some classes. Makruhat (abominable things) and Mubah (lawful are the chief classes among them. The former is nearest to Haram (unlawful thing) and the latter is nearest to clear lawful things (Halal). No pious Muslim should cross the boundaryline of Mubah to fall into Makruhat and ultimately to Haram things.

892. Price of dogs is unlawful according to Imam Shafeyi in obedience

His Messenger forbade the sale of wine, dead animals, pigs and idols. He was questioned: O Messenger of Allah! inform about fats of the dead, and verily boats are smeared therewith, skins are oiled therewith and people prepare light therewith. "No" he said, "it is unlawful." He said at that time: May Allah destroy the Jews! When Allah made their fats unlawful, they took fancy to them. Then they sold them and devoured their price. —*Agreed.*

إن الله ورسوله حرم بيع الخمر والميتة والخنزير والأصنام فقيل يا رسول الله أرأيت شحوم الميتة فإنه تطلى بها السفن ويدهن بها الجلود ويستصبح بها الناس فقال لا وهو حرام ثم قال عند ذلك قاتل الله اليهود إن الله لما حرم شحومها اجملوه ثم باعوه فأكلوا ثمنه (متفق عليه)

23. **Omar** reported that the Messenger of Allah said: May Allah destroy the Jews! fats were forbidden to them but they took fancy to them and sold them.[893] —*Agreed.*

عن عمر رض أن رسول الله صلعم قال قاتل الله اليهود حرمت عليهم الشحوم فجملوها فباعوها (متفق عليه)

24. **Jaber** reported that the Holy Prophet prohibited price of dog and cat.[894] —*Muslim.*

عن جابر أن رسول الله صلعم نهى عن ثمن الكلب والسنور (مسلم)

25. **Anas** reported that Abu Taibah cupped the Messenger of

عن أنس قال حجم أبو طيبة رسول

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to this tradition, but Imams Abu Hanifa and Muhammad hold that it is lawful but abominable (Makruh) on the ground that the word "Khabis" signifies only impure and not unlawful things. Earnings of a prostitute are unanimously unlawful along with other remaining things of this tradition. Here blood means selling of blood. Painters of life-pictures are hereby meant and not painters of trees, houses, mountains and other natural things.

893. This shows that wine, pork and dead animals were made unlawful not before but after Mecca was conquered by the holy Prophet. Imam Shafeyi holds that selling of fat of dead animals is unlawful, but it is lawful for using it as combs or for making soaps Majority of the Muslim theologians are against this view saying that no benefit can lawfully be derived from dead animals. Imam Abu Hanifa held, however, that to sell oil of impure things is lawful.

894. Regarding price of cat, there is difference of opinion. Majority held its price as lawful.

Allah. So he passd order for him for one sa'a of date and enjoined his family to reduce his rent from him. —*Agreed.*

اللّٰه صلعم فامر له بصاع من تمر و امر اهله ان يخففوا عنه من خراجه (متفق عليه)

26. **Atiyyah Sa'di** reported that the Messenger of Allah said: Nobody can become one of the pious till he gives up what is unnecessary for him out of fear of what is necessary for him.[895] —*Tirmizi, Ibn Majah.*

عن عطية السعدى قال قال رسول اللّٰه صلعم لا يبلغ العبد ان يكون من المتقين حتى يدع ما لا بأس به حذرا لما به بأس (الترمذى و ابن ماجة)

27. **Ibn Omar** reported that the Messenger of Allah said: Allah has cursed wine, one who drinks it, one who serves it, one who sells it, one who purchases it, one who squeezes it, one who asks for squeezing it, one who carries it and one to whom it is carried. —*Abu Daud, Ibn Majah.*

عن ابن عمر قال قال رسول اللّٰه صلعم لعن اللّٰه الخمر و شاربها و ساقيها و بائعها و مبتاعها و عاصرها و معتصرها و حاملها و المحمولة اليه (ابو داود و ابن ماجة)

28. **Muhayyesah** reported that he asked permission of the Messenger of Allah about wages of a cupper. He prohibited it. He still continued to seek his permission till he said: Feed your camel therewith and feed your slave therewith. —*Malek, Tirmizi, Abu Daud, Ibn Majah.*

عن محيصة انه استأذن رسول اللّٰه صلعم فى اجرة الحجام فنهاه فلم يزل يستأذنه حتى قال اعلفه ناضحك و اطعمه رقيقك (مالك و الترمذى و ابو داود و ابن ماجة)

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895. Who is Muttaqi? He is one who guards himself from unlawful things as well as from things of doubtful nature. Some say that there are three degrees of taqwa (God-fear). (1) Firstly, a man abstains himself from every sort of polytheism as Allah says: The word of piety held them tight (Quran). (2) The second is that a pious man abstains himself from every sort of sin as Allah says: Had the dwellers of the desert believed and been dutiful ... .(Quran) (3) The third is that even some lawful things are avoided by a Muttaqi for fear of keeping at a safe distance from the boundary of unlawful things as Allah says: O you who believe! be dutiful to Allah. (59 : 18Q). Such were Hazrat Abu Bakr and Omar who denied themselves even some lawful things for fear of falling into unlawful things.

29. **Nafe'** reported : I used to send my merchandise for Syria and for Egypt. Afterwards I sent it to Iraq. I came to Ayesha, mother of the believers, and asked her—O mother of the believers! I used to send merchandise to Syria but I send it (now) to Iraq. She said : Don't do, what is the matter with you and your merchandise? Verily I heard the Holy Prophet say : When Allah gives one of you a means of livelihood from a source, let him not give it up till it is exchanged for him or it is denied to him.

—*Ahmad, Ibn Majah.*

عن نافع قال كنت اجهز الى الشام و الى مصر فجهزت الى العراق فاتيت ام المؤمنين عائشة فقلت لها يا ام المؤمنين كنت اجهز الى الشام فجهزت الى العراق فقالت لا تفعل ما لك و لمتجرك فاني سمعت رسول الله صلى الله عليه و سلم يقول اذا سبب الله لاحدكم رزقا من وجه فلا يدعه حتى يتغير له او يتنكر له

(احمد و ابن ماجة)

30. **Ayesha** reported that Abu Bakr had a slave who realised rent for him, and Abu Baker used to provide himself with his rent. One day he came with a thing, and Abu Bakr devoured therefrom. Then the slave said : Do you know what it is ? Abu Bakr enquired : What is it ? What it is ? He said : I used to foretell for a man in the Days of Ignorance, but I did not make good the foretelling, except that I only deceived him. He met me and paid me for that. So this is what you ate from. She said that Abu Bakr then thrust his hand (into his mouth) and vomitted everything in his belly.[896]

—*Bukhari.*

عن عائشة قالت كان لابي بكر غلام يخرج له الخراج فكان ابو بكر ياكل من خراجه فجاء يوما بشيء فاكل منه ابو بكر فقال له الغلام تدري ما هذا فقال ابو بكر و ما هو قال كنت تكهنت لانسان في الجاهلية و ما احسن الكهانة الا اني خدعته فلقيني فاعطاني بذلك فهذا الذي اكلت منه قالت فادخل ابو بكر يده فقاء كل شيء في بطنه

(البخاري)

896. Imam Gazzali says that the vomitting was an act of extreme sense of piety. Imam Shafeyi takes it as it is.

31. **Abu Hurairah** reported that the Messenger of Allah said: Whoso gives alms of a moiety of dates from lawful earnings, (and Allah does not accept but what is pure) verily Allah accepts it with His right hand. Then He fosters it for its owner just as any of you fosters his chickens, till they become (huge) like mountains. —*Agreed.*

عن ابي هريرة قال قال رسول الله صلعم من تصدق بعدل تمرة من كسب طيب ولا يقبل الله الا الطيب فان الله يتقبلها بيمينه ثم يربيها لصاحبها كما يربي احدكم فلوه حتى تكون مثل الجبل -
(متفق عليه)

32. **Rafe-b-Khadiz** reported that the Messenger of Allah said: Price of dog is impure, earnings of a prostitude is impure, and earnings of a cupper is impure. —*Muslim.*

عن رافع بن خديج قال قال رسول الله صلعم ثمن الكلب خبيث ومهر البغي خبيث وكسب الحجام خبيث (مسلم)

33. **Abu Mas'ud Al Ansari** reported that the Messenger of Allah forbade price of dog, earnings of a prostitute and foretelling of a sooth-sayer. —*Agreed.*

عن ابي مسعود الانصاري ان رسول الله صلعم نهى عن ثمن الكلب ومهر البغي وحلوان الكاهن (متفق عليه)

34. **Khab ab** reported from the Messenger of Allah who said: No believer incurs an expenditure but is rewarded therefor except his expenditure for this earth.[897] —*Tirmizi, Ibn Majah.*

عن خباب عن رسول الله صلعم قال ما انفق مؤمن من نفقة الا اجر فيها الا نفقته في هذا التراب
(الترمذي وابن ماجة)

301w. **Abdullah-b-Masu'd** reported from the Messenger of Allah who said: Nobody earns an unlawful property and gives charity therefrom but it is accepted from him; and nobody spends therefrom but is given blessing therein; and nobody leaves it (unlawful) behind his

عن عبد الله بن مسعود عن رسول الله صلى الله عليه وسلم قال لا يكسب عبد مال حرام فيتصدق منه فيقبل منه ولا ينفق منه فيبارك له فيه ولا يتركه خلف ظهره الا

897. This means that expenditure in purchasing lands and erecting buildings brings no blessing but loss.

back but its increase will be in the fire. Verily Allah does not blot out evil with evil, but He blots out evil with good. Verily an impure thing cannot remove (another) impure thing.[898]

—*Ahmad, Sharhi Sunnat.*

كان زاده الى النار ان الله لا يمحو السيء بالسيء ولكن يمحو السيء بالحسن ان الخبيث لا يمحو الخبيث

(احمد وشرح السنة)

302w. **Jaber** reported that the Messenger of Allah said : No flesh which has grown out of unlawful things shall enter Paradise, and every flesh grown from unlawful things has got better claim to the fire.[899]

—*Ahmad, Darimi, Baihaqi*

عن جابر قال قال رسول الله صلعم لا يدخل الجنة لحم نبت من السحت و كل لحم نبت من السحت فالنار اولى به

(احمد والدارمي و البيهقي)

303w. **Abu Hurairah** reported that the Messenger of Allah prohibited price of dog and earnings of singing girls.

—*Sharhi sunnat.*

عن ابي هريرة قال نهى رسول الله صلعم عن ثمن الكلب و كسب الزمارة

(شرح السنة)

304w **Abu Bakr** reported that the Messenger of Allah said : A body which has been nourished by unlawful thing shall not enter paradise.

—*Baihaqi.*

عن ابي بكر ان رسول الله صلعم قال لا يدخل الجنة جسد غذي بالحرام

(البيهقي)

305w. **Zaid b-Aslam** reported that Omar-b-Khattab took milk which gave him satisfaction.

عن زيد بن اسلم انه قال شرب عمر بن الخطاب لبنا و اعجبه قال للذي سقاه من

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898. Darkness cannot remove darkness. It is only light that can remove darkness. The appearance of the sun removes the last vestige of darkness. Cold destroys heat and heat cold. These are the laws of nature or God's laws. This is as true to spiritual world as to physical world. Vices cannot blot vices. Only virtues can remove vices. Therefore unlawful things being impure by themselves cannot remove vices.

899. This means that flesh nourished by unlawful food shall enter Paradise after suffering in hell-fire for sometime. It does not mean that it will never be able to enter Paradise.

He told him who had given him drink : Wherefrom did you get this milk ? He informed him that he had come to a water (fountain) which had been reserved when lo ! there came sheep out of the Zakat-sheep, and they were taking drink for water. They milked their milk of me and I put it in my pot and it is this. Then Omar thrust his hand in and vomitted it out. —*Baihaqi.*

اين لك هذا اللبن فاخبره انه ورد على ماء قد سماه فاذا نعم من نعم الصدقة و هم يسقون فحلبوا لي من البانها فجعلته في سقائي و هو هذا فادخل عمر يده فاستقاءه (البيهقي)

306w. **Ibn Omar** reported : Whoso purchased a cloth with ten dirhams wherein one dirham was unlawful, the Almighty Allah shall not accept his prayer so long as it will last upon him. Afterwards he entered his fingers into his ears and said : Be deaf, Would that I had not heard the Holy Prophet say (it) ! —*Ahmad, Baihaqi.*

عن ابن عمر قال من اشترى ثوبا بعشرة دراهم و فيه درهم حرام لم يقبل الله تعالى له صلوة ما دام عليه ثم ادخل اصبعيه في اذنيه و قال صمتا ان لم يكن النبي صلى الله عليه و سلم سمعته يقول (احمد و البيهقي)

307w. **Zaid-b-Hussain** reported : I heard Malek being asked : Which thing is worldly renunciation in this world ? He said : Happy earning and shortening of hope. —*Baihaqi*

عن زيد بن الحسين قال سمعت مالكا و سئل اي شيء الزهد في الدنيا قال طيب الكسب و قصر الامل (البيهقي)

308w. **Abu Hurairah** reported that the Messenger of Allah said : Whoso seeks the world in a lawful manner abstaining from begging and striving for his family and being sympathetic to his neighbour, he will meet the Almighty Allah on the Resurrection Day while his face will be like the moon in full

عن ابي هريرة قال قال رسول الله صلعم من طلب الدنيا حلالا استعفافا عن المسئلة و سعيا على اهله و تعطفا على جاره لقي الله تعالى يوم القيمة و وجهه

moon-lit night, and whoso seeks the world in a lawful manner, seeking wealth boastfully out of show, he will meet the Almighty Allah while He would be wrathful to him.

—*Baihaqi, Abu Nayeem.*

مثل القمر ليلة البدر و من طلب الدنيا حلالا مكاثرا مفاخرا مرائيا لقى الله تعالى و هو عليه غضبان (البيهقى و ابو نعيم)

SECTION 3

900. Hoarding

The acquisition of wealth and its hoarding are not disallowed provided the Zakat of properties are duly paid and expense is incurred for necessaries of life. The Holy Quran says: Those who hoard up gold and silver and do not spend it in Allah's way, announce to them a painful punishment—9 : 34 Q. By this verse, hoarding without payment of Zakat and necessary expenses has been condemned. It is, however, abominable to hoard up wealth on the part of a true God-relying man, because hoarding implies a little want of faith in God as the Great Giver of sustenance. How many thousands and thousands of birds and beasts are being provided with daily sustenance by God even though they do not try to hoard up food.

The Quran says: Will you distribute the mercy of your Lord? We distribute among them their livelihood in the life this world—43 : 32Q. The Holy Prophet did not hoard up anything—17 : 35, 309w. He also left nothing for inheritance—44 : 182, 183. The truly intelligent man does not hoard (17 : 310w) as wealh will be of no use on the Resurrection Day. The Israelites used to get food for sometime from heaven, but they began to hoard, so their provision was stopped. In short, hoarding, though lawful if Zakat is paid, is not good for a true God-relying man.

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35 **Abu Hurairah** reported that the Messenger of Allah used to store up nothing for the morrow. —*Tirmizi.*

عن ابى هريرة ان رسول الله صلى الله عليه و سلم كان لا يدخر شيئا لغد (الترمذى)

.96. **Ammar-b-Yasar** reported that the Messenger of Allah said: Food-bread and meat—were sent down from heaven, and they were ordered neither to waste, nor to store up for the morrow; but they wasted and stored up for the morrow. So they were metamorphosed into apes and swines. —*Tirmizi.*

عَنْ عَمَّارِ بْنِ يَاسِرٍ قَالَ قَالَ رَسُولُ اللهِ صلعم أُنْزِلَتِ الْمَائِدَةُ مِنَ السَّمَاءِ خُبْزًا وَ لَحْمًا وَ أُمِرُوا أَنْ لَا يَخُونُوا وَ لَا يَدَّخِرُوا لِغَدٍ فَخَانُوا وَادَّخَرُوا لِغَدٍ فَمُسِخُوا قِرَدَةً وَ خَنَازِيرَ (التِّرْمِذِيّ)

309w. **Jubair-b-Nufair** reported a defective tradition that the Apostle of Allah said: I have not been given revelation to hoard up wealth and to be one of the tradesmen, but I have received revelation—Glorify with the glory of your Lord and be one of those who fall in prostration, and serve your Lord till the inevitable thing comes to you. —*Sharhi Sunnat and Abu Naeem from Abu Muslim.*

عَنْ جُبَيْرِ بْنِ نُفَيْرٍ مُرْسَلًا قَالَ قَالَ رَسُولُ اللهِ صلعم مَا أُوحِيَ إِلَيَّ أَنْ أَجْمَعَ الْمَالَ وَ أَكُونَ مِنَ التَّاجِرِينَ وَلَكِنْ أُوحِيَ إِلَيَّ أَنْ سَبِّحْ بِحَمْدِ رَبِّكَ وَ كُنْ مِنَ السَّاجِدِينَ وَ اعْبُدْ رَبَّكَ حَتَّى يَأْتِيَكَ الْيَقِينُ (شَرْحُ السُّنَّةِ وَ أَبُو نُعَيْمٍ عَنْ أَبِي مُسْلِمٍ)

310w. **Ayesha** reported that the Messenger of Allah said: This world is an abode for one who has got no abode, and a property for one who has got no property, and one who has got no wisdom hoards for it. —*Ahmad, Baihaqi.*

عَنْ عَائِشَةَ أَنَّ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَ سَلَّمَ قَالَ الدُّنْيَا دَارُ مَنْ لَا دَارَ لَهُ وَ مَالُ مَنْ لَا مَالَ لَهُ وَ لَهَا يَجْمَعُ مَنْ لَا عَقْلَ لَهُ (أَحْمَدُ وَ الْبَيْهَقِيُّ)

CHAPTER XVIII

SECTION I

903. Trade and Commerce

(a) Trade is the mother of fortune. That trade and commerce plays a very important part in the acquisition of wealth is undis-

puted. It is next to Zihad, but superior to industry, agriculture and service. The history of the nations of the world shows how by trade and commerce individuals became great and how nations acquired vast territories in the globe. The history of ancient Fænicians is in the forefront. The Muslims also spread far and wide through commercial enterprise and for propagating the religion of Islam. The Europeans to-day have acquired vast colonies only through unlimited commercial progress. The modern Japan and America are also good instances. Thus commerce is a harbinger of good news and prosperity and forms the backbone of acquisition of wealth.

(b) Quran & Hadis about trade. These scriptures pay a great deal of attention to Zihad and Commerce. The Quran says : We have made the day a means of earning livelihood (78 : 11Q). This indicates that we shall have to take some business or other for our daily bread. It again gives us encouragment to take up business by saying: There is no sin on you to seek wealth from your Lord (Q). Seeking wealth has been sanctioned and encouraged. There is therefore no sin in seeking addition of wealth after wealth. The following verse clearly indicates this : And others who walk upon earth seek the abundance of Allah (Q). Spread over the globe and seek the abundance of Allah (62 : 10 Q). Allah made trade lawful and usury unlawful (2 : 275 Q). Search for lawful earnings is a bouden duty—4 : 120w.

The Holy Prophet said : Take to trade, because there are nine portions in trade out of ten portions of provisions (Gazzali's Ihya). The trustworthy merchants will be with the prophets, martyrs and the truthful—18 : 4. About dishonest merchants, he said that they will be raised as transgressors on the Resurrection Day—18 : 60. The companions of the Holy Prophet carried on maritime and land trade throughout the then known world and thus Arab merchants carried the torch of new light to the darkest corners of the world. The Prophet himself carried on trade as agent of the famous Khadija. Hazrat Abu Bakr, the first Caliph of Islamic common-wealth, had cloth business, Hazrat Omar "whose very staff was a dread to empires" carried on corn trade. Hazrat Osman had cloth business. Hazrat Abu Hanifa, Imam of Hanifi sect, had cloth-business. The Great Mughal Emperor Aurangzeb of India took food out of the earnings of his hand-made caps. There are innumerable instances to prove that every pious and great religious reformer carried on

some sort of business or other to meet his daily needs. Hence Islam has put a tremendous emphasis on trade and commerce for acquisition of wealth.

(c) **Honesty in trade**. Honesty is the secret of success in every thing. It plays no less a part in trade and commerce. It is as it were the principal thing which is required for a prosperous trade more than the sinews of war. The dishonest dealers are sure to fail in the long run and honest dealers to succeed. But for this secret thing, many business concerns, individual and collective, are wound up and many commercial enterprises are given up. 'Good will' is a valuable asset to tradesmen. It cannot be attained unless there is honest and kind dealings with customers. In addition to wordly prosperity, there is never-ending rewards for honest dealers on the Resurrection Day. The Quran and Hadis are replete with such promises. It says: Verily Allah enjoins the doing of justice and good (16: 90Q). Verily Allah's mercy is near those who do good (Q). The good will may be acquired in the following six ways:— (a) The seller must not practice fraud or deceit in the article sold with the buyer. (b) Delay in payment of price may be granted to customers who are unable to pay in cash. In case of extreme inability for payment, remission may be made—18 ; 2 *(c)* Excessive swearings must not be resorted to because they decrease in blessings (18 : 3). Allah will not speak or look to one who swears in buying and selling.

(d) The tradesmen should be strict and impartial with regard to **weights and measures**. The Quran says "Give a full measure, and be not of those who diminish, and weigh things with a right balance-26 : 181Q The Holy Prophet classed an honest merchant with a Prophet on account of the merchant's following shariat-rules in trade, classed him with the truthful on account of his being steadfast to truth and honesty, and classed him with the martyrs on account of his fighting with heavy odds in treading the path of virtue and honesty in his profession. Owing to the absence of these elements in trade, the tide of trade has declined and men are hard-pressed with dire economic problems.

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1. **Jaber** reported that the Messenger of Allah said: May

عَنْ جَابِرٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم

Allah be kind to a man of gentle dealings when he sells and when he purchases and when he gives decision. —*Bukhari.*

رحم الله رجلا سمحا اذا باع و اذا اشترى و اذا اقتضى (البخاري)

2. **Huzaifah** reported that the Messenger of Allah said: There was a man amongst those who were before you. The angel came to him to take his breath.[904] He was questioned: Have you done any good deed? "I don't know" replied he. "Look" it was directed to him. He said: I don't know anything except that I used to carry on business with the people in the world, show kindness to them, give time to the solvent and remit the needy. Then Allah admitted him in Paradise. —*Agreed.*

In a narration of Muslim like that from Oqbah-b-A'mer and Abu Mas'ud al Ansari: Allah said: I have got better right to it than you. Deal gently with My servant.

عن حذيفة قال قال رسول الله صلعم ان رجلا كان فيمن كان قبلكم اتاه الملك ليقبض روحه فقيل له هل عملت من خير قال ما اعلم قيل له انظر قال ما اعلم شيئا غير اني كنت ابايع الناس في الدنيا و اجازيهم و انظر الموسر و اتجاوز عن المعسر فادخله الله الجنة (متفق عليه) و في رواية لمسلم نحوه عن عقبة بن عامر و ابي مسعود الانصاري فقال الله انا احق بذا منك تجاوزوا عن عبدي

3. **Abu Qatadah** reported that the Messenger of Allah said: Be careful of excessive swearing in sale, because it finds market but then reduces (blessing).[905] —*Muslim.*

عن ابي قتادة قال قال رسول الله صلعم اياكم و كثرة الحلف في البيع فانه ينفق ثم يمحق (مسلم)

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904 It shall not be inferred from this that Allah has got no hand in the matter of death. This is far from truth. Allah says: Allah takes away the souls of men at the time of their death (39 : 42 Q) This tradition proves also clearly that an honest merchant who deals with customers leniently will enter Paradise. Islam therefore encourages honest trade and honest dealings between men and men.

905. This is on account of the fact that too much swearings involve many falsehoods which once detected will divert customers from the shop, and the prosperity of the business will then continue to deteriorate.

4. **Adu Sayeed** reported that the Messenger of Allah said : The truthful trustworthy merchant will be with the prophets, truthful and martyrs :[905] —*Tirmizi, Ibn Majah (Rare).*

عن ابى سعيد قال قال رسول الله صلى الله عليه وسلم التاجر الصدوق الامين مع النبيين والصديقين والشهداء

(الترمذى وابن ماجة - غريب)

5. **Qais-b-Abi-Garzata** reported : We were called 'Samaserah' at the time of the Holy Prophet. The Prophet passed by us and named us with a name which is better than the former. He addressed : O chamber of merchants ! (As for) sale, futile word and false swearings are often used in it. So mix it with alms.[906] —*Tirmizi, Nisai, Ibn Majah, Abu Daud.*

عن قيس بن ابى غرزة قال كنا نسمى فى عهد رسول الله صلعم السماسرة فمر بنا رسول الله صلعم فسمانا باسم هو احسن منه فقال يا معشر التجار ان البيع يحضره اللغو والحلف فشوبوه بالصدقة

(ابوداود والترمذى والنسائى وابن ماجة)

6. **Obaid-b-Rafa'a** from his father reported that the Holy Prophet said : The merchants will be gathered on the Resurrection Day as transgressors except those who were fearful of Allah, pious and truthful. —*Ibn Majah, Tirmizi* (Approved, Correct)

عن عبيد بن رفاعة عن ابيه عن النبى صلعم قال التجار يحشرون يوم القيمة فجارا الا من اتقى وبر وصدق

ابن ماجة والترمذى (حسن صحيح)

7. **Abu Hurairah** reported that the Messenger of Allah said : Oath is a means of bargain for the commodities but a cause of deterioration in blessing. —*Agreed.*

عن ابى هريرة قال سمعت رسول الله صلعم يقول الحلف منفقة للسلعة ممحقة للبركة (متفق عليه)

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906. Give something in charity by way of atonement for sins incurred in false swearings They cause Allah's wrath, and charity extinguishes the **wrath of Allah.**

SECTION 2

907. Buy and Sale

Sale is contracted by declaration and acceptance expressed unequivocally in words or in expressions conveying the same meaning. The acceptance may be deferred until the breaking up of the meeting whether the declaration be made personally or by letter or message. An offer made by purchaser cannot be restricted by the seller or to any particular parts of the goods. A little deviation from the offer or acceptance will not make the sale complete. If the acceptance be not expressed in due time, the declaration is null and void. This is before the parting of the parties or lapse of time if time is given. A sale may be entered into either for ready money or for payment within a fixed time. Grains may be sold for other grains of different species. Goods may be sold by weight and measurement. In case of a house-sale, the foundations and superstructures are included. In the sale of land, trees upon it are included unlike some tenancies in India. Corn is not included unless there is stipulation. There are four kinds of sale:—Maqaezah (مقائضة) i.e. sale of kind for kind, Sirf (صرف) i.e. sale of cash for cash as sale of gold for silver; Silm (سلم) i.e., sale of a credit for kind in cash as crops are taken for payment in future and Mutleq sale (بيع مطلق) i.e. free sale as sale of a thing in cash for price in cash.

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8. **Abu Hurairah** reported that the Messenger of Allah said: Whoso refuses the bargain of a Muslim, Allah will return his fault on the Resurrection Day.

—*Abu Daud, Ibn Majah.*

عَنْ اَبِي هُرَيْرَةَ قَالَ قَالَ رَسُوْلُ اللهِ صلعم مَنْ اَقَالَ مُسْلِماً اَقَالَهُ اللهُ عَثْرَتَهُ يَوْمَ الْقِيٰمَةِ (اَبُوْ دَاوُدَ)

9. **Abu Hurairah** reported from the Messenger of Allah who said: The two (seller and buyer) must not part away except by mutual consent. —*Abu Daud.*

عَنْ اَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صلعم قَالَ لَا يَتَفَرَّقَنَّ اِثْنَانِ اِلَّا عَنْ تَرَاضٍ (اَبُوْ دَاوُدَ)

10. **Ibn Omar** reported that the Holy Prophet said: Verily I am cheated in sale. He said:

عَنْ اِبْنِ عُمَرَ قَالَ قَالَ رَسُوْلُ اللهِ صلعم اِنِّيْ اُخْدَعُ فِيْ الْبُيُوْعِ فَقَالَ اِذَا

When sale is held, say—There's no cheating. The man used to say it. —*Agreed.*

بايعت فقل لا خلابة فكان الرجل يقوله (متفق عليه)

11. **Ayesha** reported that the Messenger of Allah ordered to enjoy the skins of dead animals when tanned. —*Malek, Abu Daud.*

عن عائشة ان رسول الله صلى الله عليه وسلم امر ان يستمتع بجلود الميتة اذا دبغت (مالك وابو داود)

SECTION 3

908. Option in Trade

The power to withhold or accept in trade is called option. It occurs before the sale is complete and there are due proposal and acceptance. A purchaser has got the right of option and may reject an article upon inspection of the article if he has not seen it at the time of purchase. A seller has no option of inspection after sale. Option of inspection continues in force to any distance of time after the contract unless destroyed by circumstances. A condition of option may lawfully by stipulated by either party provided it does not exceed 3 days. Imam Muhammd and Abu Yusuf fixed no time limit. The possession of option may annul the sale with knowledge of the party or confirm it without his knowledge. A purchaser detecting any defect in the article may annul the sale.

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12. **Ibn Omar** reported that the Messenger of Allah said: The buyer and the seller—each of them has got option on his partner so long as they have not separated themselves except the option of buying. *Agreed.* In a narration of Muslim—When the buyer and seller carry on transaction, each of them has got option with respect to his sale so long as they do not part away or their sale is held conditional on option. When their

عن ابن عمر قال قال رسول الله صلعم المتبايعان كل واحد منهما بالخيار على صاحبه مالم يتفرقا الا بيع الخيار (متفق عليه) وفي رواية لمسلم اذا تبايع المتبايعان فكل واحد منهما بالخيار من بيعه مالم يتفرقا اويكون بيعهما عن خيار فاذا كان

sale is held on option, it becomes binding. And in a narration of Tirmizi : The buyer and seller are on option till they do not become separate or they choose.

بيعهما عن خيار فقد وجب وفي رواية للترمذي البيعان بالخيار مالم يتفرقا او يختارا

13. **Hakim-b-Hizam** reported that the Messenger of Allah said : The buyer and seller have got option so long as they do not part away. If they speak the truth and disclose (defect), they are blessed in their sale transaction, and if they conceal and speak falsely, the blessing of their sale is decreased. —*Agreed*

عن حكيم بن حزام قال قال رسول الله صلعم البيعان بالخيار مالم يتفرقا فان صدقا وبينا بورك لهما في بيعهما وان كتما وكذبا محقت بركة بيعهما

(متفق عليه)

14. **Amr-b-Shuaib** reported from his father from his grandfather that the Holy Prophet said : The seller and buyer are on option till they do not part away except when there is a stipulation for option. It is not lawful to part from his seller for fear that the other may demand bargain.

—*Tirmizi, Abu Daud, Nisai.*

عن عمرو بن شعيب عن ابيه عن جده ان رسول الله صلعم قال البيعان بالخيار مالم يتفرقا الا ان يكون صفقة خيار ولا يحل له ان يفارق صاحبه خشية ان يستقيله

(الترمذي و ابو داود و النسائي)

15. **Jaber** reported that the Messenger of Allah gave option to a desert Arab after sale.

Tirmizi (correct, unfamiliar).

عن جابر ان رسول الله صلعم خير اعرابيا بعد البيع - (الترمذي - صحيح غريب)

16. **Abdullah-b-Mas'ud** reported that the Messenger of Allah said: Where the seller and buyer differ, swearing is the swearing of the seller, and the purchaser has got the right of option. *Tirmizi* narrated it. In a narration of *Ibn Majah*, he said : When seller and the buyer disagree, and the seller is standing on his

عن عبد الله بن مسعود قال قال رسول الله صلعم اذا اختلف البيعان فالقول قول البائع والمبتاع بالخيار رواه الترمذي وفي رواية بن ماجة قال البيعان اذا اختلفا والمبيع قائم بعينه وليس

own position while there is no proof between them, then the oath is what the seller takes or both should rescind the sale.[909]	بينهما بينة فالقول ما قال البائع او يترادان البيع

SECTION 4

910—Unlawful Things in Trade

(a) **Void and Invalid sales.** There are two kinds of sales which are illegal. One kind is simply invalid (فاسد). It can be validated by subsequent removal of the condition which makes it invalid. Another kind is void (باطل). It is illegal abinitio and nothing can legalise it. In the former the purchaser can become owner, while in the latter, he can not.

(b) The following things have been declared unlawful in trade. (1) **Muzabanah** (مزابنة) i.e. Sale of a known quantity for unknown quantity or price. It is applicable to fruits, corns and lands. It is also a sale of fruits upon trees for ⅓rd or ¼th of the produce.

(2) **Sunnayah** (ثنية) i. e. Sale of fruits upon trees after leaving some fruits from the subject-matter of sale.

(3) **Mukhabarah** (مخابرة) i.e. Transfer of a limited and not absolen interest in a land. It is a kind of lease or tenancy. Imam Abu Hanifa held such leases as unlawful, while his disciples held them lawful. According to Imam Abu Hanifa, *adha-bhagi lease* is, however, lawful.

(4) **Muhaqalah** (محاقلة) i. e. Sale of corn in exchange of a like quantity of wheat by conjecture.

(5) **Mu'awamah** (معاومة) i. e. Sale of fruits while upon trees for one year, two years or more whether the fruits appear or not.

(6) **Mulamasah** (ملامسة) i. e. Sale by touch. It was the custom of the pre-Islamic Arabs that a sale was held to be complete as soon as the purchaser touched a cloth or other commodity for purchase (18 : 85). The Holy Prophet abolished it as unlawful.

(7) **Munabazah** (منابذة) i. e. Sale by stone-throwing. The pre-Islamic Arabs was to complete sale by another way besides

909. When the buyer and seller differ in respect of price, or the thing, or in any matter concerning the sale, there should be proof to establish the claim ; and if there is no proof, the seller shall take oath.

Mulamasah. That was by throwing stone at the commodity of sale. This was abolished (18 : 36).

(8) **Hablul-Habalah** (حبل الحبالة) i. e. Sale of foetus in womb.

(9) Sale of fruits and corns till they are ripe and fit for human consumption—(18 : 22).

(10) Sale of food-grains and stuffs when one takes his full quantity for his own consumption and that of his family—(18 : 27).

(11) Sale of commodities before they come in possession of the buyer—(18 : 28).

(12) Purchase of corns and food-stuffs on the way before merchandises actually reach their destined places.

(13) No sale is lawful over another sale to another for a higher price offered or for any other cause—(18 : 32).

(14) Sale or lease of water and grass.

(15) Sale of grapes till they are black, and corns till they become hard.

(16) Sale of goods without delivery and cash price i.e. sale with a promise of delivery of goods for a promise of price—(18 : 45).

(17) Bargaining with the needy persons and the poor—(18 : 47).

(18) A sale in exchange of carion, blood, person of free man, uncaught fish in water, a bird in air which will not return, milk in udder, and hair or wool upon an animal.

(19) Sale of wine, pork etc.

(20) Any article which cannot be separated from its situation without injury or of which the quality or existence cannot be ascertained or the quantity of which can be judged by conjecture.

(21) The sale of an absconded slave, woman's milk, bristles of hog, human hair and undressed hides. It is lawful to sell or apply in use bones, wools, sinews, horns or hairs of all animals which are dead excepting those of men and hogs.

Contents : None should seek a girl in marriage who has been already sought by another—18 : 32 ; Prophet prohibited two kinds of sale and two modes of dress—18 : 35. Sale of a thing before it comes in possession is unlawful—18 : 47 ; in emancipation of slave, no condition should be attached—18 : 58 ; story of buyer and seller relating to gold found underneath the land sold—18 : 60 ; a time will come when nothing will give profit except money—18 : 313w.

17. **Ibn Omar** reported that the Holy Prophet prohibited Mozabanat[911] bargain. It is to sell the fruit of his garden, if it be of dry dates with fresh measured dates; and if it be of grapes, to sell it for dry grapes for measurement or in like manner. And near Muslim—If it be of corn, to sell it with a measure of food. He forbade that entirely. *Agreed upon it and in a narration*: He forbade Mozabanat, and Muzabanat is to sell what is upon the heads of date-trees for fresh dates with a fixed measure—if it increases, then it will be for me; and if it decreases, it is against me.

عن ابن عمر قال نهى رسول الله صلعم عن المزابنة ان يبيع ثمر حائطه ان كان نخلا بتمر كيلا وان كان كرما ان يبيعه بزبيب كيلا او كان وعند مسلم وان كان زرعا ان يبيعه بكيل طعام نهى عن ذلك كله. متفق عليه وفي رواية لهما نهى عن المزابنة قال والمزابنة ان يباع ما في رؤس النخل بتمر بكيل مسمى ان زاد فلي وان نقص فعلي

18. **Jaber** reported that the Messenger of Allah forbade Mukhabarah Muhaqalah and Muzabanah. Muhaqalah is a man's selling corn for one hundred farq[912] of wheat, and Muzabanat is to sell dry dates upon the heads of date trees for one hundred farq. And Mukhabarah is to let out land for ⅓rd or ¼th (of produce).

—*Muslim.*

عن جابر قال نهى رسول الله صلعم عن المخابرة والمحاقلة والمزابنة والمحاقلة ان يبيع الرجل الزرع بمائة فرق حنطة والمزابنة ان يبيع التمر في رؤس النخل بمائة فرق والمخابرة كراء الارض بالثلث والربع (مسلم)

19. **Same** reported that the Messenger of Allah prohibited

عنه قال نهى رسول الله صلعم عن

911. Muzabanah comes from Zaban which means to throw. It therefore means rescission of a sale of an unknown quantity for known quantity or price.

912. Farq is a weight of 16 ratals or nearly eight seers. Muzabanah is a general term applicable both to fruits and lands, while Muhaqalah is applicable only to lands. Mukhabarah is a barga lease in our land. It is also called Muzarat.

Muhaqalah, Muzabanah, Mukhabarah, Mu'awa'mah and Sunnayyah, and gave permission of Ariyyat. —*Muslim.*

المحاقلة والمزابنة والمخابرة والمعاومة وعن الثنيا ورخص في العرايا (مسلم)

20. **Sahl-b-Abi Hasmah** reported that the Holy Prophet forbade selling of dry dates in exchange of dry dates except that he gave permission in Ariyyat. It is to sell dry dates for measurement which their owner will eat as fresh dates. —*Agreed*

عن سهل بن ابي حثمة قال نهى رسول الله صلعم عن بيع التمر بالتمر الا انه رخص في العرية ان تباع بخرصها تمرا يأكلها اهلها رطبا (متفق عليه)

21. **Abu Hurairah** reported that the Messenger of Allah allowed sale of Ariyyat for a fixed measure of dry dates for what is less than five wasaqs[913] (or in 5 wasaqs—Daud-b-Hussain doubted) —*Agreed.*

عن ابي هريرة ان رسول الله صلعم ارخص في بيع العرايا بخرصها من التمر فيما دون خمسة اوسق او في خمسة اوسق شك داود ابن الحصين (متفق عليه)

22. **Abdullah-b-Omar** reported that the Prophet forbade selling of fruits, till the good ones become ripe. He prohibited the seller and the buyer. *Agreed upon it. And in a narration of Muslim:* He forbade selling of dates till they are ripe, and of corns till they become white and safe from mishaps.

عن عبد الله بن عمر نهى رسول الله صلعم عن بيع الثمار حتى يبدو صلاحها نهى البائع والمشتري متفق عليه وفي رواية لمسلم نهى عن بيع النخل حتى تزهو وعن السنبل حتى يبيض ويأمن العاهة

23. **Anas** reported that the Prophet prohibited sale of fruits till they are ripe. He was questioned: And what is ripe? He said: Till they become red. He enquired: Inform me that

عن انس قال نهى رسول الله صلعم عن بيع الثمار حتى تزهي قيل وما تزهي قال حتى تحمر وقال ارايت

913. Ariyyat is that sale by which some trees in the garden are dedicated to the poor and the distressed for enjoyment of fruits. It must be 5 wasaqs in weight. One wasaq is equal to 60 sa'as, and one sa'a is equal to 4 seers nearly.

when Allah forbade (green) fruit, then for what should any of you take his brother's property ?[914] —*Agreed.*

اذا منع الله الثمرة بم يأخذ احدكم مال اخيه (متفق عليه)

24. **Jaber** reported that the Messenger of Allah forbade the sale (of fruits upon the trees) for years, and ordered to wait for mishaps. —*Muslim.*

عن جابر قال نهى رسول الله صلعم عن بيع السنين وامر بوضع الجوائح (مسلم)

25. **Same** reported that the Messenger of Allah said : If you purchase dry date from your brother and then mishap afflicts it, it is not lawful for you to take out of it for what you take unjustly from your brother's property. —*Muslim.*

عنه قال قال رسول الله صلعم لو بعت من اخيك ثمرا فاصابته جائحة فلا يحل لك ان تأخذ منه شيئا بم تأخذ مال اخيك بغير حق (مسلم)

26. **Ibn Omar** reported : They (people) used to purchase food-grain in a place confronting the market and sell it in its place. Then the Holy Prophet forbade them selling it in its place till they take it in possesion.[915] —*Abu Daud.*

عن ابن عمر قال كانوا يبتاعون الطعام في اعلى السوق فيبيعونه في مكانه فنهاهم رسول الله صلعم في بيعه في مكانه حتى ينقلوه (ابو داؤد)

27. **Same** reported that the Messenger of Allah said : Whoso purchases food-stuffs should not sell them till he takes full measurement of them. In a narration of Ibn Abbas—till he measured it. —*Agreed.*

عنه قال قال رسول الله صلعم من ابتاع طعاما فلا يبيعه حتى يستوفيه وفي رواية ابن عباس حتى يكتاله (متفق عليه)

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914. Here food means staple food-crops. The thing purchased must first come in possession of the vendee from the vendor in full measurement, and then it can be sold away. Before it comes into possession of the vendee, it is not lawful for sale according to Imam Shafeyi, Muhammad and others. Imam Malek holds this view in case of food-crops only and not of other things. Imams Abu Hanifa and Abu Yusuf hold the sale of a land lawful before it comes into possession.

915. This means that one should wait till fruits are ripe and safe from mishap.

28. **Ibn Abbas** reported : As for that of which the Holy Prophet prohibited sale, it is food-crops till they come in possession. Ibn Abbas said : I don't consider anything but just like it.

—*Agreed.*

عن ابن عباس قال اما الذي نهى عنه النبي صلعم فهو الطعام ان يباع حتى يقبض قال ابن عباس ولا احسب كل شيء الا مثله (متفق عليه)

29. **Abu Hurairah** reported that the Messenger of Allah said : Don't go forward to meet the caravans for purchase,[916] and none of you shall purchase on the purchase of others. Don't interfere with one another in bargain, and no citizen shall sell to a villager, and don't keep back the milk of camels and goats. Whoso purchases them after that has got two options after milking them. If he likes, he may keep them and if he does not like, he may return them with one sa'a of dry dates.

Agreed upon it. And in narration of Muslim : Whoso purchases a goat full of milk in udder has got an option for three days. If he then returns it, he shall return one sa'a of food-grain with it and not wheat.

عن ابي هريرة ان رسول الله صلعم قال لا تلقوا الركبان لبيع ولا يبع بعضكم على بيع بعض ولا تناجشوا ولا يبع حاضر لباد ولا تصروا الابل والغنم فمن ابتاعها بعد ذلك فهو بخير النظرين بعد ان يحلبها ان رضيها امسكها وان سخطها ردها وصاعا من تمر متفق عليه وفي رواية لمسلم من اشترى شاة مصراة فهو بالخيار ثلثة ايام فان ردها رد معها صاعا من طعام لا سمراء

30. **Same** reported that the Messenger of Allah said : Don't meet corn-merchant ahead. Whoso meets him ahead and then purchases from him—when its owner comes to market he has got an option.

—*Muslim*

عنه قال قال رسول الله صلعم لا تلقوا الجلب فمن تلقاه فاشترى منه فاذا اتى سيده السوق فهو بالخيار (مسلم)

916. Too much eagerness for buying food-crops when they arrive near a station has been discouraged, because it may prove injurious to the seller as the market value is not known and because it has not been in possession of the seller as yet.

31. Ibn Omar reported that the Messenger of Allah said : Don't meet merchandise beforehand till it is taken down in market. —*Agreed.*

عن ابن عمر قال قال رسول الله صلعم لا تلقوا السلع حتى يهبط بها الى السوق (متفق عليه)

32. Same reported that the Holy Prophet said : Nobody shall bargain over the bargain of his brother, nor will he seek the hand in marriage which his brother (Muslim) sought unless permission is granted to him. —*Muslim.*

عنه قال قال رسول الله صلعم لا يبيع الرجل على بيع اخيه ولا يخطب على خطبة اخيه الا ان يأذن له (مسلم)

33. Abu Hurairah reported that the Messenger of Allah said : Nobody shall bargain over the bargain of his brother Muslim.[917] —*Muslim.*

عن ابي هريرة ان رسول الله صلعم قال لا يسم الرجل على سوم اخيه المسلم (مسلم)

34. Jaber reported that the Messenger of Allah said : The citizen shall not sell to a village-man. Leave the people. Allah will provide some of them from others.[918] —*Muslim.*

عن جابر قال قال رسول الله صلعم لا يبيع حاضر لباد دعوا الناس يرزق الله بعضهم من بعض (مسلم)

35. Abu Sayeed Al-Khodri reported that the Messenger of Allah forbade two dresses and two sales. He forbade Mulamasah and Munabazah in bargain. And Mulamasah is a man's touching the clothes of another with his

عن ابي سعيد الخدري قال نهى رسول الله صلعم عن لبستين وعن بيعتين نهى عن الملامسة والمنابذة في البيع والملامسة لمس الرجل ثوب الآخر بيده

917. This means that after a man sets a value to anything and after agreement is reached for sale and purchase, another man comes forward and sets a higher price for the thing. The latter is prohibited both for Muslims and non-Muslims.

918. This is in case of scarcity in towns for food-crops. Crops come from villages and the villagers take crops one from another and thereby supply food to themselves as well as to townsfolk. In this circumstance, the Holy Prophet forbade selling only of principal food stuffs to village men because they have got no necessity of them. If however necessity is felt, it is lawful.

band at day or at night, without turning it except in that way. And Munabazah is a man's throwing his cloth towards another man, and the latter throwing his cloth, and that is their bargain without seeing and without mutual consent. As for the two dresses: To put on sama'a. And Sama'a is to put a cloth over one of his shoulders uncovering one of his sides without cloth upon it. And as for the other dress, it is his drawing of his cloth while he is sitting without keeping anything therefrom over his hidden part.[919] —*Agreed.*

باللّيل أو بالنّهار ولا يقلبه الّا بذلك والمنابذة أن ينبذ الرّجل إلى الرّجل بثوبه وينبذ الآخر ثوبه ويكون ذلك بيعهما عن غير نظر ولا تراض واللّبستين اشتمال الصّمّاء والصّمّاء أن يجعل ثوبا على أحد عاتقيه فيبدو أحد شقّيه ليس عليه ثوب واللّبسة الأخرى احتباؤه بثوبه وهو جالس ليس على فرجه منه شيء (متّفق عليه)

36. **Abu Hurairah** reported that the Holy Prophet forbade sale by stone-throwing and sale of unpossessed thing.[920] —*Muslim.*

عن أبي هريرة قال نهى رسول الله صلعم عن بيع الحصاة وعن بيع الغرر (مسلم)

37. **Ibn Omar** reported that the Holy Prophet forbade bargain of Habalul Habalah; and it was a bargain which the people of ignorance used to carry on. A man used to purchase a camel till a she-camel became pregnant and then till what was in the womb became pregnant. —*Agreed.*

عن ابن عمر قال نهى رسول الله صلعم عن بيع حبل الحبلة وكان بيعا يتبايعه أهل الجاهليّة كان الرّجل يبتاع الجزور إلى أن تنتج النّاقة ثمّ تنتج الّتي في بطنها (متّفق عليه)

38. **Same** reported that the Holy Prophet forbade the instep of a stallion. —*Bukhari.*

عنه قال نهى رسول الله صلعم عن عسب الفحل (البخاري)

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919. It was the custom of the pre-Islamic Arabs that a sale was completed as soon as a man touched a cloth or any other thing. Islam rejected it and allowed critical examination of the commodity. These were Mulamasah and Munabazah *i.e.* sale by touch and sale by throw

920. This means that a person sells something out of a thing and leaves something from sale. This was prohibited as the quantity was unknown and was not measured out.

39. **Jaber** reported that the Holy Prophet prohibited the bargain of camel's sock and sale of water and land for cultivation. —*Muslim.*

عَنْ جَابِرٍ قَالَ نَهَى رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ ضِرَابِ الْجَمَلِ وَعَنْ بَيْعِ الْمَاءِ وَالْاَرْضِ لِتُحْرَثَ (مُسْلِمٌ)

40. **Same** reported that the Messenger of Allah forbade the sale of excess water. —*Muslim.*

عَنْهُ قَالَ نَهَى رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ فَضْلِ الْمَاءِ (مُسْلِمٌ)

41. **Abu Hurairah** reported that the Messenger of Allah said: Excess water shall not be sold in order to purchase forage therewith. —*Agreed*

عَنْ اَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ لَا يُبَاعُ فَضْلُ الْمَاءِ لِيُبَاعَ بِهِ الْكَلَأُ (مُتَّفَقٌ عَلَيْهِ)

42. **Same** reported that the Holy Prophet passed by a heap of corns. He thrust his hand therein but his fingers touched moisture. He asked: O owner of corn! what is this? He replied: Rain fell on it, O Messenger of Allah. He enquired: Have you not done so over the corn so that people may see it? Whoso acts with deceit is not of me. —*Muslim.*

عَنْهُ قَالَ اَنَّ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مَرَّ عَلَى صُبْرَةِ طَعَامٍ فَاَدْخَلَ يَدَهُ فِيهَا فَنَالَتْ اَصَابِعُهُ بَلَلًا فَقَالَ مَا هٰذَا يَا صَاحِبَ الطَّعَامِ قَالَ اَصَابَتْهُ السَّمَاءُ يَا رَسُولَ اللهِ قَالَ اَفَلَا جَعَلْتَهُ فَوْقَ الطَّعَامِ حَتّٰى يَرَاهُ النَّاسُ مَنْ غَشَّ فَلَيْسَ مِنِّي (مُسْلِمٌ)

43. **Jaber** reported that the Holy Prophet prohibited from making exception till it is known.[921] —*Tirmizi.*

عَنْ جَابِرٍ قَالَ اِنَّ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ نَهَى عَنِ الثُّنْيَا اِلَّا اَنْ يُعْلَمَ (اَلتِّرْمِذِيُّ)

44. **Anas** reported that the Messenger of Allah forbade the sale of grapes till they become

عَنْ اَنَسٍ قَالَ نَهَى رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ عَنْ بَيْعِ الْعِنَبِ حَتّٰى

921. The author of Masabih has added: He prohibited the sale of fruits till they are ripe.

black and sale of food-grains till they become hard like this.
—*Tirmizi, Abu Daud.*

يسود وعن بيع العنب حتى يشتد هكذا
(الترمذي و ابو داؤد)

45. **Ibn Omar** reported that the Messenger of Allah forbade the sale of dates till they become ripe. —*Tirmizi.*

عن ابن عمر ان رسول الله صلعم نهى عن بيع الرطب حتى يزهو (الترمذي)

46. **Amr-b-Shu'aib** reported from his father who from his grand-father that the Holy Prophet forbade the sale of 'Urban'.[922]
—*Malek, Abu Daud, Ibn Majah.*

عن عمرو ابن شعيب عن ابيه عن جده قال نهى رسول الله صلعم عن بيع العربان (مالك و ابو داؤد و ابن ماجة)

47. **Ali** reported that the Messenger of Allah forbade (forced) purchase from a needy person,[923] and purchase from the inconsiderate and purchase of fruit before it reaches maturity.
—*Abu Daud.*

عن علي قال نهى رسول الله صلعم عن بيع المضطر وعن بيع الغرر وعن بيع الثمرة قبل ان تدرك (ابو داؤد)

48. **Anas** reported that a man of Kalb tribe asked the Messenger of Allah about the hiring of a stallion. He prohibited him. He said : O Messenger of Allah ! we lend stallion and are getting benefit. Then he granted him permission in the benefit. *Tirmizi.*

عن انس ان رجلا من كلاب سأل النبي صلعم عن عسب الفحل فنهاه فقال يا رسول الله انا نطرق الفحل فنكرم فرخص له في الكرامة (الترمذي)

49. **Hakim b-Hezam** reported that the Messenger of Allah prohibited me to sell what is not in my possession. *Tirmizi narrated it. And in a narration of Abu Daud and Nisai,* he said : I asked : O Messenger of Allah ! a man comes to me and intends to make

عن حكيم بن حزام قال نهاني رسول الله صلعم ان ابيع ما ليس عندي (رواه الترمذي) وفي رواية له ولابي داؤد والنسائي قال قلت يا رسول الله ياتيني

922. Urban is a sale on conditional terms with regard to its price. This sale is void.

923. This means that care should be taken in purchasing a thing from a needy man by force. If, however, a thing is purchased from him, it must be purchased with this sense that the price should not be reduced by force

bargain with me, but it is not in my possession. Shall I purchase it from the market? He said: Don't purchase what is not in your possession.

الرجل فيريد مني البيع وليس عندي فابتاع له من السوق قال لا تبع ما ليس عندك

50. **Abu Hurairah** reported that the Holy Prophet forbade two bargains in one sale. —*Malek, Malek Tirmizi, Abu Daud Nisai.*

عن ابي هريرة قال نهى رسول الله صلعم عن بيعتين في بيعة
(مالك والترمذي وابو داود والنسائي)

51. **Amr-b-Shuaib** reported from his father who from his grand-father that the Messenger of Allah said: Advance loan and sale are not lawful, and there are no two conditions in a sale, and no profit till it comes in possession, and no sale what is not in your possession.[924] —*Abu Daud, Nisai, Tirmizi (Correct)*

عن عمرو بن شعيب عن ابيه عن جده قال قال رسول الله صلعم لا يحل سلف وبيع ولا شرطان في بيع ولا ربح ما لم يضمن ولا بيع ما ليس عندك
(الترمذي وابو داود والنسائي - صحيح)

52. **Ibn Omar** reported: I used to sell camel at Naqiy[925] for dinars, and then take dirhams in their stead. I then used to sell dirhams and take dinars in their stead. I then came to the Messenger of Allah and mentioned it to him. He said: There's no harm if you take them at cash price at that time so long as you do not part away with something between you both.

—*Tirmizi, Abu Daud, Nisai.*

عن ابن عمر قال كنت ابيع الابل بالنقيع بالدنانير فاخذ مكانها الدراهم و ابيع بالدراهم فاخذ مكانها الدنانير فاتيت النبي صلعم فذكرت ذلك له فقال لا بأس ان تأخذها بسعر يومها ما لم تفترقا وبينكما شيء
(الترمذي وابو داود والنسائي)

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or oppression. No forcible selling is allowed. It is void abinitio.

924. If a man has been previously given a loan and then something is sold to him at increased price, it is unlawful as there is advantage of one party in consideration of the loan. This is the policy of those who devour usury. There are no two conditions in a sale means that there should not be two sales in the same transaction. It may mean also that there should not be two conditions in a sale.

925. Naqiy is a place near Medina. The latter portion speaks of

53. **Al-Adda-b-Khalid** reported that he drew up this letter about what al-Adda-b-Khalid purchased from the Messenger of Allah. He purchased a slave (or a slave-girl) from him without any disease, defect and blemish, a sale of a Muslim to a Muslim.

—*Trimizi* (*Rare.*)

عن العداء بن خالد اخرج كتابا هذا ما اشترى العداء بن خالد من محمد رسول الله صلعم اشترى منه عبدا او امة لا داء ولا غائلة ولا خبثة بيع المسلم المسلم (الترمذي - غريب)

54. **Anas** reported that the Messenger of Allah sold a saddle and a cup and said: Who will purchase this saddle, and cup? A man replied: I shall take them both for one dirham. The Holy Prophet said: Who will increase over one dirham? A man offered him two dirhams. Then he sold them both to him.[926]

—*Trimizi, Abu Daud, Ibn Majah.*

عن انس ان رسول الله صلعم باع حلسا وقدحا فقال من يشتري هذا الحلس والقدح فقال رجل اخذهما بدرهم فقال النبي صلعم من يزيد على درهم فاعطاه رجل درهمين فباعهما منه

(الترمذي وابو داود وابن ماجة)

55. **Waselah-b-Asqa'a** reported: I heard the Messenger of Allah say: Whoso sells a defective thing without disclosing it continues to be in the wrath of Allah or angels continue to curse him.

—*Ibn Majah.*

عن واثلة بن الاسقع قال سمعت رسول الله صلعم يقول من باع عيبا لم ينبه لم يزل في مقت الله او لم تزل الملئكة تلعنه (ابن ماجة)

56. **Ibn Omar** reported that the Messenger of Allah said: Whoso purchases a date-tree after the appearance of dates, the fruits are for the seller unless the buyer makes it a condition. And whoso

عن ابن عمر قال قال رسول الله صلعم من ابتاع نخلا بعد ان تؤبر فثمرتها للبائع الا ان يشترط المبتاع ومن ابتاع عبدا وله

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hand to hand transactions. While there is something between you both means that something, either the thing sold or its price, passed to you.

926. This shows that sale by the highest bid is lawful. This practice is followed in all offices of public nature in civilized countries. This was promulgated 1400 years ago by the Prophet of Islam. As soon as a bid is accepted, the sale becomes complete, and fresh sale can not be held unless for gross injustice.

buys a slave who has got property, his property is for the seller unless the purchaser makes it a condition.[927] —*Muslim.*

مَالُهُ لِلْبَائِعِ اِلَّا اَنْ يَشْتَرِطَ الْمُبْتَاعُ
(مسلم)

57. **Jaber** reported that he was going to ride upon his camel which has become tired. The Holy Prophet passed by and touched it. Then it began to run a race which it had not done before. Then he said: Sell it to me for one waqiah. He said: I sold it and made a stipulation that it would carry me to my house. When I approached Medina, I came to him with the camel and he paid me its price in cash. In a narration: He gave it to me its price and returned it to me.[928] —*Agreed.*

عن جابر انه كان يسير على جمل له قد اعيى فمر النبي صلعم فضربه فسار سيرا ليس يسير مثله ثم قال بعنيه بوقية قال فبعته فاستثنيت حملانه الى اهلي فلما قدمت المدينة اتيته بالجمل ونقدني ثمنه وفي رواية فاعطاني ثمنه ورده علي
(متفق عليه)

58. **Ayesha** reported that Barirah came and said: I have made stipulation (for manumission) over nine waqiahs—one waqiah in every year. So help me. Ayesha said: If your master likes that I should pay them at a time and set you free, then I shall pay and your Wala will be upon me. Then she went to his family who

عن عائشة رض قالت جاءت بريرة فقالت اني كاتبت على تسع اواق في كل عام وقية فاعينيني فقالت عائشة ان احب اهلك ان اعدها لهم عدة واحدة واعتقك فعلت ويكون ولاؤك لي فذهبت الى اهلها فابوا

927. T'bir (تأبير) is a process of mixing one flower with another flower for union and by this process more fruits can be gathered. This is something like cohabitation of males with females. This was the practice of the Arabs.

928. This shows that the Holy Prophet was sent with a mission and divine favours. As soon he touched the camel, it gained strength and began to run faster than it did before. One waqiah is equivalent to 40 dirhams or nearly Rs. 10/-. It is seen from this hadis that before payment of price in a journey, the purchased animal can be utilised for riding so as to reach the destination. This is the view of Imam Ahmad. Imam Malek holds that this condition is lawful if made for a short distance. Imam Abu Hanifa and Shafeyi hold this as void on the basis of another tradition. They explain it awayby saying that this was meant for Jaber and for nobody else.

denied except that wala would remain for them. The Holy Prophet said: Take her and give her emancipation. The Messenger of Allah stood among men, praised Allah and glorified Him and then said: As for next, what will be the matter with the people who make stipulations which are not in the Book of Allah? A condition which is not in the Book of Allah is void; and if there be a hundred conditions, the injunction of Allah has got better right to be fulfilled, and the stipulation of Allah is more firm, and verily Walla is for him who emancipates.[929] —*Agreed.*

إلا أن يكون الولاء لهم فقال رسول الله صلى الله عليه وسلم خذيها وأعتقيها ثم قام رسول الله صلعم في الناس فحمد الله وأثنى عليه ثم قال أما بعد فما بال رجال يشترطون شروطا ليست في كتاب الله ما كان من شرط ليس في كتاب الله فهو باطل وإن كان مائة شرط فقضاء الله أحق وشرط الله أوثق وإنما الولاء لمن أعتق (متفق عليه)

59. **Ibn Omar** reported that the Messenger of Allah forbade the sale of wala and making a gift of it.[930] —*Agreed.*

عن ابن عمر قال نهى رسول الله صلعم عن بيع الولاء وعن هبته (متفق عليه)

60. **Abu Hurairah** reported that the Messenger of Allah said: A man among men who were before you purchased lands from a man. Then the one who purchased the lands found a jar in his land wherein there was gold. So the one who purchased the land said: Take your gold from me and verily I have purchased only the land, but I have not purchased gold from you. The seller of the land said: Verily I sold the land to you and what is therein. They referred it to a man for decision. The man whom

عن أبي هريرة قال قال رسول الله صلعم اشترى رجل ممن كان قبلكم عقارا من رجل فوجد الذي اشترى العقار في عقاره جرة فيها ذهب فقال له الذي اشترى العقار خذ ذهبك عني إنما اشتريت العقار ولم أبتع منك الذهب فقال بائع الأرض إنما بعتك الأرض وما فيها فتحاكما

929. Walla literally means assistance and friendship. In law, it signifies the right of succession to the property of a freed man, or mutual assistance which is a cause of inheritance. (See Hedaya by Hamilton, p. 513.)

930. The above right is not transferable or heritable.

it was referred to for decision said : Have you both got children ? One of them said : I have got a son. Another said : I have got a girl. He said : Give the son in marriage to the girl and spend for them therefrom and give in charity. —*Agreed.*

إلى رجل فقال الذي تحاكما إليه ألكما ولد فقال أحدهما لي غلام وقال الآخر لي جارية فقال أنكحوا الغلام الجارية وأنفقوا عليهما منه وتصدقوا (متفق عليه)

61. **Salamah-b-al Muhabbaq** reported that the Messenger of Allah came in the battle of Tabuk to the members of a house when lo ! a water skin was hanging. He sought for water. They said to him : O Messenger of Allah, it is a dead thing. He said : Its tanned skin is its purifier. —*Ahmad, Abu Daud.*

عن سلمة بن المحبق قال إن رسول الله صلعم جاء في غزوة تبوك على أهل بيت فإذا قربة معلقة فسأل الماء فقالوا له يا رسول الله (ص) إنها ميتة فقال دباغها طهورها (احمد و ابو داود)

62. **Omar** reported that the Messenger of Allah forbade Dubba, Hantam, Muzaffat and Naqir and directed to take drink in cups of skin.[931] —*Muslim.*

عن عمر أن رسول الله صلى الله عليه وسلم نهى عن الدباء والحنتم والمزفت والنقير وأمر أن ينبذ في أسقية الأدم (مسلم)

311w. **Ibn Omar** reported that the Holy Prophet forbade sale on credit for credit. —*Darqutni.*

عن ابن عمر أن النبي صلعم نهى عن بيع الكالي بالكالي (الدار قطني)

312w. **Makhlad-b-Khufaf** reported : I purchased a slave and sought his earning. Afterwards I noticed a defect in him and complained to Omar-b-Abdul Aziz regarding him. He passed decree for his return to me and decreed against me for the return of his earnings. Then I came to Urwah and informed him. He said : I shall go to him at night

عن مخلد بن خفاف قال ابتعت غلاما فاستغللته ثم ظهرت منه على عيب فخاصمت فيه إلى عمر بن عبد العزيز فقضى لي برده وقضى علي برد غلته فأتيت عروة فأخبرته فقال أروح إليه العشية

931. These were vessels or cups wherein wine used to be taken for drink. Hence even drink of water in these vessels was made unlawful at that time. They are now lawful.

and inform him that Ayesha had communicated to me that the Holy Prophet had given a decision like this—that the profit is in exchange of security.[931a] Urwah then went to him and gave decision for me that I should take the profit from him for whom he gave decision against me. —*Sharhi-Sunnat.*

فَاخْبِرهُ اَنَّ عَائِشَةَ اَخْبَرَتْنِى اَنَّ رَسُوْلَ اللهِ صلعم قَضَى فِىْ مِثْلِ هٰذَا اَنَّ الْخَرَاجَ بِالضَّمَانِ فَرَاحَ اِلَيْهِ عُرْوَةُ فَقَضَى لِىْ اَنْ اٰخُذَ الْخَرَاجَ مِنَ الَّذِىْ قَضَى بِهِ عَلَىَّ لَهُ (شرح السنة)

313w. **Abu Bakr-b-Abu Maryam** reported: There was a slave girl of Meqdam-b-Ma'adi Kareb who used to sell milk and Meqdam enjoy its price. It was then said to him: Glory be to Allah! do you sell milk and take its price? 'Yes' said he, 'and there is no harm in it. I heard the Messenger of Allah say: A time must come over men in which nothing will give gain except dinar and dirham (money).' — *Ahmad.*

عَنْ اَبِىْ بَكْرِ بْنِ اَبِىْ مَرْيَمَ قَالَ كَانَتْ لِمِقْدَامِ بْنِ مَعْدِيكَرِبَ جَارِيَةٌ تَبِيعُ اللَّبَنَ وَ يَقْبِضُ الْمِقْدَامُ ثَمَنَهُ فَقِيْلَ لَهُ سُبْحَانَ اللهِ اَتَبِيعُ اللَّبَنَ وَ تَقْبِضُ الثَّمَنَ فَقَالَ نَعَمْ وَ مَا بَاْسٌ بِذٰلِكَ سَمِعْتُ رَسُوْلَ اللهِ صلعم يَقُوْلُ لَيَاْتِيَنَّ عَلَى النَّاسِ زَمَانٌ لَا يَنْفَعُ فِيْهِ اِلَّا الدِّيْنَارُ وَ الدِّرْهَمُ (احمد)

SECTION 5

932. Measurement and weight.

Great importance has been attached to weight and measurement in commercial transactions. Every honest tradesman should observe the same weight and measurement both for purchasing and selling commodities. The Holy Quran lays sepcial stress: "Fulfil your weight and measure with equity—6 : 151 Q. Weigh in full when you measure, and measure with just balance; this is good and better in interpretation —17 : 35 Q. There are therefore positive injunctions of the Holy Quran with regard to just weight and measurement. But this rule was relaxed by some ancient nations though they had these rules. The Holy Quran therefore warns us of the severe punishment that is incurred by violation of the principle. The people of Prophet Shuaib

931a. It means that the buyer will enjoy the profit and suffer loss of the slave.

were destroyed for this very reason. The Quran says: Woe to the defaulters who, when they measure from people, take it with full measure, and when they measure out to them or weigh out for them, decrease. Do not these think that they shall be raised up for a great day? 83 : 1—4Q. The Holy Prophet fixed up the standard measurement. The measurement was of the Medinites who were well-known to it as they were chiefly agriculturists, and the weight that of the Meccans as they were efficient in the weight on account of their commerce. He also said: Nor a people decrease weight and measure but provision is cut off from them—26 : 359w.

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63. **Ibn Omar** reported that the Messenger of Allah said: Measurement is the measurement of the inhabitants of Medina and weight is the weight of the inhabitants of Mecca.—*Abu Daud, Nisai.*

عَنِ ابْنِ عُمَرَ اَنَّ النَّبِيَّ صلعم قَالَ الْمِكْيَالُ مِكْيَالُ اَهْلِ الْمَدِيْنَةِ وَ الْمِيْزَانُ مِيْزَانُ اَهْلِ مَكَّةَ (ابو داؤد و النسائي)

64. **Ibn Abbas** reported that the Messenger of Allah said to the owners of measurement and weight: You have been certainly entrusted with two affairs about which the former nations before you were destroyed. *Tirmizi.*

عَنِ ابْنِ عَبَّاسٍ قَالَ قَالَ رَسُوْلُ اللهِ صلعم لِاَصْحَابِ الْكَيْلِ وَ الْمِيْزَانِ اِنَّكُمْ قَدْ وُلِّيْتُمْ اَمْرَيْنِ هَلَكَتْ فِيْهِمَا الْاُمَمُ السَّابِقَةُ قَبْلَكُمْ (الترمذی)

65. **Suwaid-b-Qais** reported: I and the slave Makhrafah brought cloth from Hajr and came therewith to Mecca. Then the Messenger of Allah came to us walking. He bargained with us for clothes and we sold to him. A man there was measuring with weight up. The Holy Prophet said to him: Measure and weigh down. —*Ahmad, Abu Daud, Tirmizi (Approved, Correct).*

عَنْ سُوَيْدِ بْنِ قَيْسٍ قَالَ جَلَبْتُ اَنَا وَ مَخْرَفَةُ الْعَبْدِيُّ بَزًّا مِنْ هَجَرَ فَاَتَيْنَا بِهِ مَكَّةَ فَجَاءَنَا رَسُوْلُ اللهِ صلعم يَمْشِيْ فَسَاوَمَنَا بِسَرَاوِيْلَ فَبِعْنَاهُ وَ ثَمَّ رَجُلٌ يَزِنُ بِالْاَجْرِ فَقَالَ لَهُ رَسُوْلُ اللهِ صلعم زِنْ وَ اَرْجِحْ (احمد وابو داؤد و الترمذی وحسن صحيح)

SECTION 6

933. Payment in advance (السلم)

'Silm' literally signifies a contract involving a prompt delivery in return for a future delivery. Technically it means a contract of sale causing an immediate payment of the price and admitting a delay in the delivery of goods. It is an advance payment for future goods. Advance payment is lawful in all articles of weight and measurement. Money in coins is not included in the description of articles of weight. According to Imam Abu Hanifa, a 'silm' sale cannot therefore be made for goods in exchange of cash money. Goods may lawfully be advanced for goods and not for money. A silm sale with respect to articles of longitudinal measurement such as cloth or the like is lawful because it is possible to define them exactly by number of yards in respect of length and breadth. It is not lawful with respect to animals according to Imam Abu Hanifa but lawful according to Imam Shafeyi. It is also not lawful till the article be in continued existence until the time of delivery which must be fixed. The sale, in short, requires that the genus be specified and that the species, quality, quantity, period of delivery, rate and place of delivery be all determined. Silm sale can be lawfully effected for cash money according to majority of the theologians and it is now the prevailing law.

66. **Abu Sayeed al Khodri** reported that the Messenger of Allah said: Whoever advances a thing for something, let him not transfer it to others before he possesses it. —*Abu Daud, Ibn Majah.*

عَنْ اَبِیْ سَعِیْدٍ الْخُدْرِیِّ قَالَ قَالَ رَسُوْلُ اللّٰہِ صلعم مَنْ اَسْلَفَ فِیْ شَیْءٍ فَلَا یَصْرِفْہُ اِلٰی غَیْرِہٖ قَبْلَ اَنْ یَقْبِضَہٗ (ابو داؤد و ابن ماجۃ)

SECTION 7

934. Monopoly (احتکار)

Monopoly means storing up of food-grains for getting higher price in times of need and scarcity. This is quite unlawful and at least abominable (Makruh) where such monopoly is likely to prove detrimental. Grains and food-stuffs are connected with the rights of everyone, whence the withholding of them from sale is an invasion of the general rights of mankind and an occasion of scarcity in their

necessary food. It is however not any sin where such storing is not detrimental to the people as in a large city. If however the period of detention be long, it becomes an abominable monopoly, as it then induces detriment. The period of detention is 40 days according to some and 30 days or less according to others. The principle, however, is the injury likely to be caused to people if detained for longer time than is necessary. A person is, however, allowed to monopolize the product of his own grounds or what he brings from a very distant place. Prices of commodities must not be fixed. Except food-grains and necessaries of life, other commodities may lawfully be stored up.

67. **Me'mar** reported that the Messenger of Allah said: Whoever monopolises, he is a sinner.
—*Muslim.*

عن معمر قال قال رسول الله صلعم
من احتكر فهو خاطئ (مسلم)

68. **Omar** reported from the Messenger of Allah who said: Bringer of food-grain (to a city) is given provision, and the monopolisor is cursed.[935]
—*Ibn Majah, Darimi.*

عن عمر عن النبي صلعم قال الجالب
مرزوق و المحتكر ملعون
(ابن ماجة و الدارمى)

69. **Anas** reported that the current price became dear at the time of the Messenger of Allah. They asked: O Messenger of Allah! fix a rate for us. The Holy Prophet replied: Verily Allah is One who fixes price, curtails, gives amply and provides sustenance; and certainly I hope that I should meet my Lord while there will be none amongst you who will hold me responsible either for blood or for property.[936]
Tirmizi, Abu Daud, Ibn Majah.

عن انس قال غلا السعر على عهد
النبي صلعم فقالوا يا رسول الله سعر لنا
فقال النبي صلعم ان الله هو المسعر
القابض الباسط الرازق و انى لارجو ان القى
ربى و ليس احد منكم يطالبنى بمظلمة
بدم و لا مال
(الترمذى و ابو داود و ابن ماجة)

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935. Trade is for the benefit of the people by exchange of commodities from one place to another. The man who fulfils this object and removes want of the people is doubly blessed.

936. It apears therefore that there is a pronouncement of great commercial value in not fixing the price of anything. If price be fixed, there will be no enterprise for commerce and trade, and business of the world will be at a stand still causing a great loss in the mercantile world.

70. **Omar-b-al-Khattab** reported: I heard the Messenger of Allah say: Whoever monopolises over the Muslims their food-grains, Allah will inflict them with epidemics and bankruptcy. —*Ibn Majah.*

عن عمر بن الخطاب قال سمعت رسول الله صلعم يقول من احتكر على المسلمين طعامهم ضرب الله بالجذام و الافلاس

(ابن ماجة)

314w. **Ibn Omar** reported that the Messenger of Allah said: Whoever stores up food-grains for 40 days, intending thereby a dear price, has indeed become free from Allah and Allah is free from him. —*Razin.*

عن ابن عمر قال قال رسول الله صلعم من احتكر طعاما اربعين يوما يريد به الغلاء فقد برئ من الله و برئ الله منه

(رزين)

315w. **Mu'az** reported: I heard the Messenger of Allah say: Bad is he who monopolises. If Allah makes commodities cheap, he becomes aggrieved, and if He makes them dear, he becomes pleased. —*Razin, Baihaqi.*

عن معاذ قال سمعت رسول الله صلعم يقول بئس العبد المحتكر ان ارخص الله الاسعار حزن و ان اغلاها فرح

(البيهقي و رزين)

316w. **Abu Omamah** reported that the Messenger of Allah said: Whoso stores up food-grain for 40 days, and then gives it in charity, it will not be an expiation for him (for his sins). —*Razin.*

عن ابي امامة ان رسول الله صلعم قال من احتكر طعاما اربعين يوما ثم تصدق به لم يكن له كفارة

(رزين)

SECTION 8

937. Industry (صنعة)

The Holy Prophet said: Never has any one eaten a better thing than what he has eaten of the labour of his own hands—4 : 109. Verily the purest of what you eat is of your own earnings—4 : 110. This important pronouncement of the Holy Prophet made in an age quite remote from ours has brought a revolution in the industrial world. What order can be greater than this magnificent utterance that the purest of what we earn is of our own earnings. This led the

emperors and saints to take up works and live upon their wages. This injunction led the Moslims to invent machineries of works and various ways of workmanship and manufacturing articles and commodities of common and extraordinary uses. There was therefore a great impetus given to homogenous and extraneous industry on the ruins of which the modern industrial enterprise is chiefly based. What we eat is corns, sugar, salt, oil, butter, etc.; what we use is cloth, soap, paper, utensil, shoe and thousand other things of daily use. According to the instruction of the Holy Prophet, we should ourselves manufacture these articles and supply our needs therewith. This also gives a great impetus to using the indigenous articles and establishment of mills and factories. Indeed the modern mills and machinaries have taken the place of individual labour of by-gone days. Hence the greater the use of these machineries, the greater the prosperity of individuals as well as of nations.

CHAPTER XIX

938. Cultivation (المزارعة) and Gardening (المساقاة)

Mozara'at signifies primarily cultivation. It means a contract between two persons, one being an owner of land and the other cultivator, by which it is agreed that whatever is obtained from the land shall belong to both in such proportions as may be therein determined. It is just like *bhag leases* in our country. **Mosaqat** means watering and signifies a contract like the former on condition that the labourer shall take care of the fruitful trees or plants to be grown. The former applies to lands and the latter to trees and plants. Cultivation and gardening are most important for production of fruits and corns with which people and other animals sustain themselves. Stoppage of cultivation and gardening means famine and starvation for want of food. Hence it must be resorted to. Indeed the whole civilized world is greatly indebted to the tillers of the soil. According to Imam Abu Hanifa, such kind of leases as above described are invalid as wages are uncertain and lie buried in futurity, but according to his disciples and the three Imams, they are valid and the latter view has been accepted by juristsconsults. The people of Medina were mostly agriculturists and those of Macca tradesmen. The Holy Prophet himself entered once into a contract with the people of

Khaiber that they should manage and cultivate the gardens and lands of Khaiber and enjoy in return half of the produce and give the other half to him. Besides, it is a case of partnership with stock and labour. The produce is participated according to agreement, and if nothing is produced, the cultivator or landlord has no claim. The following rules shall be observed in agricultural and horticultural leases :—

(1) The ground shall be capable of cultivation and gardening. (2) The contracting parties must be mature and duly qualified. (3) The terms of lease shall be express. (4) The party shall comply as to who is to supply seeds. (5) Shares of the parties to the produce shall be fixed. (6) The land shall be delivered to the possession of the cultivator.

1. **Jaber** reported that the Holy Prophet said : Whoso has got land, let him cultivate it or let it out to his brother. If he denies, let him keep his land to himself. —*Agreed.*

عَنْ جَابِرٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم مَنْ كَانَتْ لَهُ اَرْضٌ فَلْيَزْرَعْهَا اَوْلِيَمْنَحْهَا اَخَاهُ فَاِنْ اَبٰى فَلْيُمْسِكْ اَرْضَهُ (مُتَّفَقٌ عَلَيْهِ)

2. **Abu Omamah** reported that he saw a plough and something of the implements of husbandry. He said : I heard the Messenger of Allah say : This does not enter the house of a people but Allah brings disgrace therein.[939] —*Bukhari.*

عَنْ اَبِيْ اُمَامَةَ اَنَّهُ رَاٰى سِكَّةً وَشَيْئًا مِنْ اٰلَةِ الْحَرْثِ فَقَالَ سَمِعْتُ النَّبِيَّ صلعم يَقُوْلُ لَا يَدْخُلُ هٰذَا بَيْتَ قَوْمٍ اِلَّا اَدْخَلَهُ اللّٰهُ الذُّلَّ (الْبُخَارِيُّ)

3. **Rafe'-b-Khadiz** reported from the Messenger of Allah who said : Whoso cultivates the land of a people without their permission, there is nothing of produce for him, and for him is its expense. —*Abu Daud, Tirmizi (Rare).*

عَنْ رَافِعِ بْنِ خَدِيْجٍ عَنِ النَّبِيِّ صلعم قَالَ مَنْ زَرَعَ فِيْ اَرْضِ قَوْمٍ بِغَيْرِ اِذْنِهِمْ فَلَيْسَ لَهُ مِنَ الزَّرْعِ شَيْءٌ وَلَهُ نَفَقَتُهُ (التِّرْمِذِيُّ وَاَبُوْ دَاوُدَ - غَرِيْبٌ)

4. **Qais-b-Muslim** reported from Abu Jafar : There were no inmates of any refuging house at Medina who did not cultivate (lands)

عَنْ قَيْسِ بْنِ مُسْلِمٍ عَنْ اَبِيْ جَعْفَرٍ قَالَ مَا بِالْمَدِيْنَةِ اَهْلُ بَيْتِ هِجْرَةٍ اِلَّا يَزْرَعُوْنَ

939. This was said at the time of battle in the following circumstances. The Holy Prophet saw a man engaged in cultivation without joining Zihad or holy war. So the Prophet discouraged it in the time of war. War is a principle source of wealth, then trade and next industry and cultivation. Therefore great importance was given to Zihad.

on condition of ⅓rd or ¼th (of produce). Ali, Sa'ad-b-Malek, Abdullah-b-Mas'ud, Omar-b-Abdul Aziz, Qasim, Urwah, the family members of Abu Bakr, the family members of Omar, the family members of Ali and Ibn Sirin had cultivation. Abdur Rahman-b-Aswad said: I was a partner with Abdur Rahman Yezid in cultivation. And Omar engaged people in labour on condition that if Omar gave seeds from himself, there was half for him, and if they gave seeds, for them was the like. —*Bukhari.*

عَلَى الثُّلُثِ وَالرُّبُعِ وَزَارَعَ عَلِيٌّ وَسَعْدُ بْنُ مَالِكٍ وَعَبْدُ اللهِ بْنُ مَسْعُودٍ وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ وَالْقَاسِمُ وَعُرْوَةُ وَآلُ أَبِي بَكْرٍ وَآلُ عُمَرَ وَآلُ عَلِيٍّ وَابْنُ سِيرِينَ وَقَالَ عَبْدُ الرَّحْمٰنِ ابْنُ الْأَسْوَدِ كُنْتُ أُشَارِكُ عَبْدَ الرَّحْمٰنِ بْنَ يَزِيدَ فِي الزَّرْعِ وَعَامَلَ عُمَرُ النَّاسَ عَلَى إِنْ جَاءَ عُمَرُ بِالْبَذْرِ مِنْ عِنْدِهِ فَلَهُ الشَّطْرُ وَإِنْ جَاؤُوا بِالْبَذْرِ فَلَهُمْ كَذَا (الْبُخَارِيُّ)

5. **Abdullah-b-Omar** reported that the Messenger of Allah leased out the date trees of Khaiber and its lands to the Jews of Khaiber,[940] on condition that they would labour thereon with their wealth, of which there would be half of their fruits for the Prophet. *Muslim* narrated it. In a narration of *Bukhari*: the Prophet gave the Jews of Khaiber to labour on them and cultivate them, and for them there would be half of what would yield therefrom.

عَنْ عَبْدِ اللهِ بْنِ عُمَرَ أَنَّ النَّبِيَّ صلعم دَفَعَ إِلَى يَهُودِ خَيْبَرَ نَخْلَ خَيْبَرَ وَأَرْضَهَا عَلَى أَنْ يَعْتَمِلُوهَا مِنْ أَمْوَالِهِمْ وَلِرَسُولِ اللهِ صلعم شَطْرُ ثَمَرِهَا رَوَاهُ مُسْلِمٌ وَفِي رِوَايَةِ الْبُخَارِيِّ أَنَّ رَسُولَ اللهِ صلعم أَعْطَى خَيْبَرَ الْيَهُودَ أَنْ يَعْمَلُوهَا وَيَزْرَعُوهَا وَلَهُمْ شَطْرُ مَا يَخْرُجُ مِنْهَا

6. **Same** reported: We used to practise Mukhabarah[941] and saw no harm in that till Rafe-b-Khadiz held that the Messenger

عَنْهُ قَالَ كُنَّا نُخَابِرُ وَلَا نَرَى بِذٰلِكَ بَأْسًا حَتّٰى زَعَمَ رَافِعُ بْنُ خَدِيجٍ أَنَّ النَّبِيَّ

940. Khaiber is a place near Medina where the Jews lived. The Jews were besieged on account of their repeated treacheries, and their lands were taken. These lands were let out again to them on their request.

941. Mukhabarah is a kind of agricultural leases. See note 910-b (3).

of Allah forbade it. We gave it up on account of that. —*Muslim.*

صلعم نهى عنها فتركناها من اجل ذالك (مسلم)

7. **Hanzalah-b-Qais** from Rafe'-b-Khadiz reported that he said: My two uncles informed me that they used to let out land at the time of the Holy Prophet for what the aqueducts produced or something which the owner of the land set apart. The Holy Prophet prohibited us from that. I asked Rafe': Then how is it in exchange of dirhams and dinars? He said: There is no harm in it; And that was what was prohibited as it were. If any man of understanding looks therein with (a sense of) legality and illegality, he will hold it as unlawful on account of what is therein of cheatings.[242] *Agreed.*

عن حنظلة بن قيس عن رافع بن خديج قال اخبرني عماى انهم كانوا يكرون الارض على عهد النبي صلعم بما ينبت على الاربعاء او شيء يستثنيه صاحب الارض فنهانا النبي صلعم عن ذالك فقلت لرافع فكيف هي بالدراهم والدنانير فقال ليس بها بأس وكان الذي نهى عن ذالك ما لو نظر فيه ذو الفهم بالحلال والحرام لم يجزه لما فيه من المخاطرة (متفق عليه)

8. **Rafe'-b-Khadiz** reported: We were many men of Medina who had cultivation. Someone amongst us used to let out his land and say: This plot is for me, and this is for you. Often it yielded crops and another did not yield. The Holy Prophet prohibited it.[243] —*Agreed.*

عن رافع بن خديج قال كنا اكثر اهل المدينة حقلا وكان احدنا يكري ارضه فيقول هذه القطعة لي وهذه لك فربما اخرجت ذه ولم تخرج ذه فنهاهم النبي صلعم (متفق عليه)

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242. The Holy Prophet prohibited here long-leases of some descriptions. The reason of the prohibition was unequal distribution of crops. The landlord reserved for himself the crops of some particular lands and gave other plots to the cultivator.

243. The reason is very clear, because one plot yielded something and another plot nothing, so one got nothing and another everything. For this it was disallowed to demarcate lands between a cultivator and an owner which the cultivator has been given to cultivate.

9. **Amr** reported: I said to Taus: Would that you had given up agricultural leases! Verily they think that the Holy Prophet forbade that. He said: O Amr! verily I give to them and help them, and verily the most learned of them meaning Ibn Abbas informed me that the Holy Prophet did not prohibit it but he said—"The gift of anyone of you to his brother is better than his realising a fixed rent from him. —*Agreed.*

عن عمرو قال قلت لطاوس لو تركت المخابرة فانهم يزعمون ان النبي صلعم نهى عنه قال اي عمرو اني اعطيهم واعينهم وان اعلمهم اخبرني يعني ابن عباس ان النبي صلعم لم ينه عنه ولكن قال ان يمنح احدكم اخاه خير له من ان ياخذ عليه خرجا معلوما * (متفق عليه)

10. **Abdullah-b-Mugaffal** reported that Thabet b-Zuhhak held that the Ms. of Allah prohibited agricultural leases and enjoined mutual labour. He said: There's no harm in it. 914 —*Muslim.*

عن عبد الله بن مغفل قال زعم ثابت بن الضحاك ان رسول الله صلعم نهى عن المزارعة و امر بالمواجرة قال لا باس بها * (مسلم)

CHAPTER XX

945 Wages & Hires

(a) **Dignity.** This falls mostly under dignity of labour which has been discussed in note 236. To add to it, it is necessary to say that even the Prophets who were the chosen ones of Allah engaged themselves in such manual labour as grazing of

914. Lease of such land has been prohibited as produces no crops but ends only in labour. Cultivation has not been prohibited of such lands but their leases. It is better to bring them under cultivation for wages or for share of produce.

sheep and cattle, Even the Holy Prophet of Arabia tended flocks of sheep and cattle of the inhabitants of Mecca for wages of nearly 2 pice per day. So when the greatest of men did such work as is now considerd as the lowest for a man of dignity, we should have no scruple to set our hands to ordinary labour. The Prophet said that the most enjoyble penny is one gained by one's own hard labour and the best food is that which is acquired by owne's hard labour.

(b) **Payment of wages.** The wages of a labourer and the hire of a thing rented should be paid up before the sweat of the labourer dries up or the term for the payment of the hire expires—196. Allah sets up an enemy against one who does not pay the wages of a labourer—193.

(c) **Wages when lawful.** (1) Wages are lawful when the work to be done is lawful; viz, the wages of fornication are not lawful. (2) The work to be done must be defined and capable of being done within a fixed time, (3) The work must not be Farz upon the labourer by itself. If it is, wages therefor are not lawful, such as wages for Zihad or for helping a man in distress.

(d) **Wages for medicines** or for amulets and charms are certainly lawful. If anybody medically treats by reciting names of Allah or the verses of the Holy Quran, he is lawfully entitled to get wages. Thus in professional works, even recitations carry wages. The professional teachers of the Quran can therefore lawfully claim their wages.

(e) **Wages for religious works.** If religious works are done in the way of Allah, or for pleasing Allah, or by way of admonition and teaching to the people in general, the wages of such works are unlawful. If the Quran is only read not for the purpose of earning but for the sake of admonition, wages are unlawful. Similarly if prayers are offered for the dead, or the Quran is read for offering blessings to the souls of the dead, wages are unlawful, because it is a sort of Abadat (divine service) for which nothing can be claimed from men. There is difference of opinion whether wages for the Quran-teaching are lawful or not. Imam Abu Hanifa held it

unlawful, while the other Imams held the contrary. The latter view seems to be reasonble as the teaching preevents the teachers from following other avocations of life. Imam Gazzali also supports this view. In short, the wages for the following are lawful if particular man is appointed for the works—pilgrimage, washing the dead, digging graves, burying the dead, carrying the dead for burial, leading Tarawih prayer in Ramdhan, proclaiming Azan, teaching the Quran, etc. (Ihya of Imam Gazzali).

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1. **Ibn Abbas** reported that the Messenger of Allah took cupping and paid the cupper his wages and threw medicine unto his nose. —*Agreed.*

عن ابن عباس ان النبي صلعم احتجم فاعطى الحجام اجره و استعط * (متفق عليه)

2. **Abu Hurairah** reported from the Holy Prophet who said ; Allah did not raise up any Prophet but grazed goats. His companions asked : You too ? 'Yes' said he, 'I used to tend goats for the inhabitants of Mecca for some Qirats.' [946] —*Bukhari.*

عن ابي هريرة عن النبي صلعم قال ما بعث الله نبيا الا رعى الغنم فقال اصحابه و انت قال نعم كنت ارعى على قراريط لاهل مكة * (البخاري)

3. **Same** reported that the Ms. of Allah said ; The Almighty Allah said—There will be three persons whose opponent I shall be on the Resurrection Day ; a man who gave in My name and then broke trust, and a man who sold a free man and enjoyed his price, and a man who engaged a labourer and

عنه قال قال رسول الله صلعم قال الله تعالى ثلثة انا خصمهم يوم القيامة رجل اعطى بي ثم غدر و رجل باع حرا فاكل ثمنه و رجل استاجر اجيرا

946. Qirat is equal to $\frac{1}{6}$th of one dirham or nearly 2 pice.

enjoyed full labour from him but did not pay him his wages. —*Bukhari.*

فاستوفى منه ولم يعطه اجره *

(البخاري)

4. Ibn Abbas reported that a party of the Prophet's companions passed by a water. There was a man among them who was beaten by a scorpion or snake. A man from among the owners of the water came before them and said: Is there any charmer among you? Verily in water there is a man bitten by a scorpion or snake. A man from them advanced and read the Opening of the Book on condition of a goat and then he was cured. He came with the goat to his companions who disliked that and said: "You have taken wages for the Book of Allah!"—till they came to Medina and enquired: O Ms. of Allah, verily he has taken wages for the Book of Allah. The Apostle of Allah said: The book of Allah has got more right for wages than what you have taken for.[947] *Bukhari narrated it. And in a narration*: You have done well! Divide and set up a share for me with you.

عن ابن عباس أن نفرا من أصحاب النبي صلعم مروا بماء فيهم لديغ او سليم فعرض لهم رجل من أهل الماء فقال هل فيكم من راق إن في الماء رجلا لديغا او سليما فانطلق رجل منهم فقرأ بفاتحة الكتاب على شاء فبرأ فجاء بالشاء الى أصحابه فكرهوا ذلك وقالوا أخذت على كتاب الله أجرا حتى قدموا المدينة فقالوا يا رسول الله أخذ على كتاب الله أجرا فقال رسول الله صلعم إن أحق ما أخذتم عليه أجرا كتاب الله رواه البخاري وفي رواية أصبتم اقسموا واضربوا لي معكم سهما *

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947. The charmer was Abu Sayeed al-Khodri and there were 30 companions in the party. It is deduced from this that charms with Quranic verses are lawful and wages also are lawful therefor. The difference is that when there is 'Abadat' by Quran-reading, wages are not lawful; and when other things are meant, wages are lawful.

5. **Kharejah-b-Salt** reported from his uncle who said: We departed from the Ms. of Allah and came to a tribe of the Arabs. He said: Verily we were informed that you have just arrived from this man with a good thing. Is there any medicine or charm with you? Verily we have got a mad sheep in a tie. 'Yes' said we. He said: They came with the mad sheep in a tie. I read over it the 'Opening of the Book' for three days both morning and evening, gathering my spit and then throwing it. He said that it was as it were untied from the tie (recovered). They then gave me wages. 'No' said I, 'till I ask the Ms. of Allah.' He said: Enjoy, by my life, (it is bad) for him who eats with false charm. You have enjoyed with true charm.

—*Ahmad, Abu Daud.*

عن خارجة بن الصلت عن عمه قال أقبلنا من عند رسول الله صلعم فأتينا على حي من العرب فقال إنا أنبئنا أنكم قد جئتم من عند هذا الرجل بخير فهل عندكم من دواء أو رقية فإن عندنا معتوها في القيود فقلنا نعم قال فجاءوا بمعتوه في القيود فقرأت عليه بفاتحة الكتاب ثلاثة أيام غدوة وعشية أجمع بزاقي ثم أتفل قال فكأنما أنشط من عقال فأعطوني جعلا فقلت لا حتى أسأل النبي صلعم فقال كل فلعمري لمن أكل برقية باطل لقد أكلت برقية حق -
(احمد وابوداود)

6. **Abdullah-b-Omar** reported that the Ms. of Allah said: Pay the labourer his wages before his sweat dries up.

—*Ibn Majah.*

عن عبد الله بن عمر قال قال رسول الله صلعم أعطوا الأجير أجره قبل أن يجف عرقه * (ابن ماجة)

7. **Utbah-b-Munzir** reported: We were before the Ms. of Allah. He recited—'Ta, Sin, Mim', till he reached the story of Moses. He said: Verily Moses (peace be on him) engaged himself as a labourer

عن عتبة بن المنذر قال كنا عند رسول الله صلعم فقرأ طسم حتى بلغ قصة موسى قال إن موسى عليه السلام

for nine or ten years on condition of keeping his private parts chaste and of food for his belly [948] —*Ahmad, Ibn Majah.*

اجر نفسه ثمان سنين او عشرا على عفة فرجه و طعام بطنه * (احمد و ابن ماجة)

8. **Obadah-b-Swa'met** reported: I asked—O Ms. of Allah, a man presented me with a bow in exchange of what I had taught him of the Book and the Quran. And it is not a property. Shall I use it in the way of Allah? He said: If you like that you should be branded with the fire, accept it. [949]

—*Abu Daud, Ibn Majah.*

عن عبادة بن الصامت قال قلت يا رسول الله صلعم رجل اهدى الي قوسا ممن كنت اعلمه الكتاب و القرآن و ليست بمال فارمي عليها في سبيل الله قال ان كنت تحب ان تطوق طوقا من نار فاقبلها * (ابو داود وابن ماجة)

9. **Anas** reported: When the Apostle of Allah came to Medina, the Refugees came to him and said: O Apostle of Allah! we have not seen a people more generous with abundance and more in fellow-feeling with small means than a people amongst whom we have just come down. They supply our provision sufficiently and also give us shares in wages, so much so that we fear that they would go with full rewards. He said: No, so long you pray to Allah for them and praise them.

Tirmizi (Correct).

عن انس قال لما قدم رسول الله صلعم المدينة اتاه المهاجرون فقالوا يا رسول الله ما راينا قوما ابذل من كثير واحسن مواساة من قليل من قوم نزلنا بين اظهرهم لقد كفونا المؤنة و اشركونا في المهنأ حتى لقد خفنا ان يذهبوا بالاجر كله فقال لا ما دعوتم الله لهم و اثنيتم عليهم - (الترمذي (صحيح)

948. Moses came to Madain and met there with Prophet Shuaib. He gave his daughter in marriage to Moses on condition of his ten years' service of grazing cattle and sheep under Shuaib. Imam Shafeyi holds it lawful while Imam Abu Hanifa unlawful as a dower for marriage.

949. According to this hadis, it appears that to take wages in exchange of the Quran-reading is unlawful. This was however not accepted by three Imams. Imam Ab u Hanifa stands on this tradition.

CHAPTER XXI

Section I

950. Agency

A person may lawfully appoint another as his agent to act on his own behalf. For management of suits and cases, criminal or civil, payments and realisations of all rights and dues, an agent may lawfully be appointed. The Holy Prophet appointed Hakim-b-Khiram as an agent that he might buy for him a camel to sacrifice. Hazrat Ali appointed Aqil for management of his suits; and when Aqil became old, he was replaced by Abdullah-b Ja'far. An accused may employ an agent or a pleader to conduct his defence, but the agent is not allowed however to make confession or admission without permission of the principal. A woman also may employ an agent. Agency to be valid must proceed from the principal and must be vested in a person of understanding. An agent can not, however, be appointed to receive a loan.

عن عروة بن ابي الجعد البارقي ان رسول الله صلعم اعطاه دينارا يشتري له شاة فاشترى له شاتين فباع احدهما بدينار و اتاه بشاة و دينار فدعا له رسول الله صلعم له في بيعه بالبركة فكان لو اشترى ترابا لربح فيه * (البخاري)

1. **Urwah-b-Abil Ja'ad Al-Bareqi** reported that the Ms. of Allah gave him one dinar to purchase a goat for him. He purchsed two goats for him. He sold one of them for one dinar and brought one goat and one dinar to him. The Holy Prophet prayed for blessing on him in his bargain. It so occurred that if he purchased earth, he certainly got profit therefrom —*Bukhari*

2. **Jaber** reported: I intended to go to Khaiber and so I came to the Prophet, saluted him and said: I intend to go to Khaiber. He said: When you come to my agent, take from him 15 wasaqs. If he seeks any sign from you, put your hand upon his throat. —*Abu Daud.*

عن جابر قال اردت الخروج الى خيبر فاتيت النبي صلعم فسلمت عليه وقلت اني اردت الخروج الى خيبر فقال اذا اتيت وكيلي فخذ منه خمسة عشر وسقا فان ابتغى منك اية فضع يدك على ترقوته * (ابوداود)

3. **Suhaib** reported that the Ms. of Allah said: There are three things in which there is blessing: sale for a fixed term, loan to one another, and mixing barley with wheat for the house and not for sale. 951 —*Ibn Majah*

عن صهيب قال قال رسول الله صلعم ثلث فيهن البركة البيع الى اجل والمقارضة واخلاط البر بالشعير للبيت لا للبيع - (ابن ماجة)

4. **Hakim-b-Hezam** reported that the Ms. of Allah sent a dinar with him that he might purchase for him therewith an animal for sacrifice. He purchased a ram for one dinar and sold it for two dinars. Then he returned and purchased an animal for one dinar for sacrifice. He came with it and with the dinar which was gained from the other. The Ms. of Allah gave away the dinar in charity and prayed for him that there might be blessing on him in his business. —*Tirmizi, Abu Daud.*

عن حكيم بن حزام ان رسول الله صلعم بعث معه بدينار ليشتري له به اضحية فاشترى كبشا بدينار وباعه بدينارين فرجع فاشترى اضحية بدينار فجاء بها وبالدينار الذي استفضل من الاخرى فتصدق رسول الله صلعم بالدينار فدعا له ان يبارك له في تجارته - (الترمذي وابوداود)

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951. Muq'arah means loan to one another or mutual co-operation in sale of a certain thing.

SECTION 2

952. Partnership

Partnership signifies union of two or more persons in one business concern. It is like joint stock trade or business in an organised and corporate way. It is a limited business of a company. Islam does not prohibit partnership in which one person supplies the capital and the other labour; but Islam does not give concession to the capitalists, as both the capitalists and the labourers are to share the profit and loss equally. The principle in Islam is that neither side should have undue advantage and be made to suffer loss. This method is more advantageous—the method of charging interest on capital which promotes capitalism and is unjust to labour.

In all partnership businesses and joint stock companies, trust and co-operation are more important factors than the capital. With the co-operation of all cosharers, the business may thrive well, and with disintegration, it may go down. The Holy Prophet laid importance on these things more than on anything else (4:214, 215).

Partnership in property and partnership by contract are two different things. Partnership in property occurs when wo or more persons are cosharers in a property. It is not lawful in this case for a partner to perform any act with respect to another's share without his permission. The second kind is effected by proposal and consent. The profit to each partner must be in proportion to the stock.

5. **Juhrah-b-Ma'bad** reported that Abdullah b-Hisham, his grandfather used to take him out to the market and purchase grain. Ibn Omar and Ibn Zubair met him and said to him: Make us partners because the Holy Prophet prayed for blessing on you. So he

عَنْ زُهْرَةَ بْنِ مَعْبَدٍ أَنَّهُ كَانَ يَخْرُجُ بِهِ
جَدُّهُ عَبْدُ اللّٰهِ بْنِ هِشَامٍ إِلَى السُّوقِ فَيَشْتَرِي
الطَّعَامَ فَيَلْقَاهُ ابْنُ عُمَرَ وَابْنُ الزُّبَيْرِ فَيَقُولَانِ
لَهُ أَشْرِكْنَا فَإِنَّ النَّبِيَّ صلعم قَدْ دَعَا لَكَ

took them partners. Many a time he gained profit of a camel-load as it was and sent it to the stations. Abdullah-b-Hisham said: His mother went with him to the Prophet who rubbed his head and prayed for blessings on him. —*Bukhari*

بِالْبَرَكَةِ فَيَشْرَكُهُمْ فَرُبَّمَا أَصَابَ الرَّاحِلَةَ كَمَا هِيَ فَيَبْعَثُ بِهَا إِلَى الْمَنْزِلِ وَقَالَ عَبْدُ اللهِ بْنُ هِشَامٍ ذَهَبَتْ بِهِ أُمُّهُ إِلَى النَّبِيِّ صلعم فَمَسَحَ رَأْسَهُ وَدَعَا لَهُ بِالْبَرَكَةِ *

(الْبُخَارِيّ)

6. **Abu Hurairah** reported that the Ansars requested the Prophet: Divide the date trees between us and our brethren. He said: No, sufficient that we have provision, and that we share with you in fruits. They said: We hear and obey. [953] —*Bukhari*.

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَتِ الْأَنْصَارُ لِلنَّبِيِّ صلعم اقْسِمْ بَيْنَنَا وَبَيْنَ إِخْوَانِنَا النَّخِيلَ قَالَ لَا تَكْفُونَنَا الْمَؤُنَةَ وَنَشْرَكُكُمْ فِي الثَّمَرَةِ قَالُوا سَمِعْنَا وَأَطَعْنَا *

(الْبُخَارِيّ)

CHAPTER XXII

SECTION 1

954. Waste lands (الموات)

Any piece of ground which from a long time remained waste without belonging to any person, or which has been formerly the property of a Muslim who is not then known and is likewise so far removed from the village that if a person call out from

953. When the companians of the Holy Prophet fled to Medina to save themselves from the severe persecutions of the Quraish, they left their hearth, home and property at Mecca and therefore fell in extreme difficulty at Medina. The Holy Prophet cemented firm brotherhood among them and the Medina inhabitants. The Ansars therefore requested the Prophet to give half of their date trees to the Muhazira. The Holy Prophet refused it saying that the ownership would remain with the Ansars. Such was the practical brotherhood that Islam showed in its infancy.

there, his voice can not there be heard, is termed mawat or waste land. The main principle of ownership of such lands is that "nobody's land is the land of one who posseses it by labour". Such man cannot be evicted except by the rightful owner. Imam Abu Hanifa says that an order from a judge is necessary in order to validate his title to such lands, but Imams Shafeyi and Ahmad differ from him. Reclamation of such dead lands may be effected either by habitation, or plantation, or cultivation, or gardening. There is no distinction between a Zimme non-Muslim or a Muslim in the acquisition of title to these lands as the principle is only cultivation. If the land is not cultivated for some years after it was first marked or cultivated, it may be transferred to some other person. Only fencing is not sufficient to acquire title, but actual cultivation is necessary.

1. **Ayesha** reported from the Holy Prophet who said: Whoever reclaims a land owned by nobody, he has got better title to it. Urwah said that Omar gave a decision regading it during his rule. —*Bukhari.*

عَنْ عَائِشَةَ عَنِ النَّبِيِّ صلعم قَالَ مَنْ عَمَرَ أَرْضًا لَيْسَتْ لِأَحَدٍ فَهُوَ أَحَقُّ قَالَ عُرْوَةُ قَضَى بِهِ عُمَرُ فِي خِلَافَتِهِ * (البخاري)

2. **Sayeed-b-Zaid** reported from the Prophet who said: As for one who reclaims a dead-land, it is for him, and there is no right for the sweat of an oppressor.[955] —*Ahmad, Abu Duad, Tirmizi (Approved, Rare).*

عَنْ سَعِيدِ بْنِ زَيْدٍ عَنِ النَّبِيِّ صلعم قَالَ مَنْ أَحْيَا أَرْضًا مَيْتَةً فَهِيَ لَهُ وَلَيْسَ لِعِرْقٍ ظَالِمٍ حَقٌّ * (أحمد ابوداود والترمذي - حسن غريب)

955. If a man plants trees and does other acts of possesion in dead lands, that will not give title to him if he is not the first person to possess it. No oppression can evict the first comer out of possession.

3. Ibn Abbas reported that **Sa'ab-b-Jassamah** said: I heard the Ms. of Allah say: There is no reserved pasture-ground except for Allah and his Prophet. 956 —*Bukhari.*

عن ابن عباس أن الصعب بن جثامة قال سمعت رسول الله صلعم يقول لا حمى إلا لله ورسوله * (البخاري)

4. Hasan reported from Samorah that the Holy Prophet said: He who encloses a land with a wall is entitled to it. 957 —*Abu Daud.*

عن الحسن عن سمرة عن النبي صلعم قال من أحاط حائطا على الأرض فهو له - (أبو داود)

317w. Taus reported a defective tradition that the Ms. of Allah said: He who reclaimes a deadland is owner of it, and ancient lands are for Allah and His Prophet. Afterwards they are for you from me. *Shafeyi narrated it. It is narrated in Sharhi Sunnat* that the Holy Prophet gave some houses to Abdullah-b-Mas'ud at Medina, and those were by the back of the habitation of the Helpers in the midst of houses and date-trees. The children of Abd-b-Zohrah said: Keep the children of Omme-Abd away from us. The

عن طاؤس مرسلا أن رسول الله صلعم قال من أحيى مواتا من الأرض فهو له وعادي الأرض لله ورسوله ثم هي لكم مني رواه الشافعي وروي في شرح السنة أن النبي صلعم أقطع لعبد الله ابن مسعود الدور بالمدينة وهي بين ظهراني عمارة الأنصار من المنازل والنخل فقال بنو عبد بن زهرة نكب

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956. Hima in Arabic is a ground consisting of grass and water which is reserved for forage of cattles and other animals. In pre-Islamic times, such places were reserved. It was abolished by the Holy Prophet as opposed to general welfare. This causes a great deal of hardship on the poor animals which have got no fault.

957. A dead land owned by nobody belongs to one who encloses it first with a wall or fencing of some kind or other. This is followed by Imam Ahmad, but the other three Imams hold that actual acts of possession such as cultivation are necessary for acquisition of good title to a dead land.

Prophet then said to them: Why then has Allah sent me? Verily Allah does not make a nation prosperous amongst whom no weak man has got his right restored. 958

عنا ابن ام عبد فقال لهم رسول الله صلعم فلم ابتعثني الله اذا ان الله لا يقدس امة لا يؤخذ للضعيف فيهم حقه *

SECTION 2

959. Right to Water

All people and also cattle have a right to drink from a well, canal or reservoir. There are four kinds of waters:—(1) Waters of ocean which every person has got right to drink or carry away for irrigation purposes. It is just like right to enjoy the light of the sun and the moon and use of rain and air. (2) Waters of large rivers. The right to such rivers is as the former. (3) Waters in which several persons have a share. People also can use the water of tanks, wells and reservoirs as it is recorded in hadis that three things are common to all—water, grass and fire. None can however take water from them to irrigate his lands without permission. (4) Waters which are preserved or kept in vessels and pots. Water of this description is property, and right of others no longer extends to it. But if want of water is keenly felt, this may lawfully be taken if there be no water near by.

Easement right. A right to water may exist independent of the ground. This right may be reserved in case of sale of a land wherein there is water. No person can alter or obstruct the course of water running through his ground. A right to water cannot however be the subject-matter of sale, gift or other transfers.

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958. This shows that ancient inhabited lands belong to the Estate, and the Estate may settle them with tenants for reclamation. The last sentence is like a precious gem which should be followed by modern civilized nations. From this, it can be imagined what a great politician the Holy Prophet was. With this principle in view, he welded together the unruly and heterogeneous elements of Arab societies and founded a religion and an empire which have withstood the calamities of ages. Zakat is a right of the poor, Fitr is a right of the poor, and thousand other rights for the poor have been recognised in Islam.

5. **Urwah** reported that Zubair quarrelled with one of the Helpers about a running water from stony plains. The Holy Prophet said: O Zubair, enjoy water and then send water to your neighbours. The Ansari said: In case he is your cousin. His face became changed (in rage) and he said: O Zubair, give water (to your cultivation) and then stop water, till it returns to the enclosure and then send the water down to your neighbour. He gave Zubair his full right in clear order when the Ansari made him angry. And he had pointed out to them both an affair wherein there was advantage for both. —*Agreed.*

عن عروة قال خاصم الزبير رجلا من الانصار في شراج من الحرة فقال النبي صلعم اسق يا زبير ثم ارسل الماء الى جارك فقال الانصاري ان كان ابن عمتك فتلون وجهه ثم قال اسق يا زبير ثم احبس الماء حتى يرجع الى الجدر ثم ارسل الماء الى جارك فاستوعى النبي للزبير حقه في صريح الحكم حين احفظه الانصاري وكان اشار عليهما بامر لهما فيه سعة * (متفق عليه)

6. **Abu Hurairah** reported that the Ms. of Allah said: Don't prevent excess water so as to prevent therewith the (growth of) additional forage. —*Agreed.*

عن ابي هريرة قال قال رسول الله صلعم لا تمنعوا فضل الماء لتمنعوا به فضل الكلاء * (متفق عليه)

7. **Same** reported that the Ms. of Allah said: There are three persons with whom Allah will neither speak on the Resurrection Day, nor look towards them; a man who took oath over goods which were given to him in excess of what he was given, he being a liar; a man who took false oath after afternoon prayer

عنه قال قال رسول الله صلعم ثلثة لا يكلمهم الله يوم القيمة ولا ينظر اليهم رجل حلف على سلعة لقد اعطي بها اكثر مما اعطي وهو كاذب ورجل حلف على يمين كاذبة بعد العصر ليقتطع بها

to deprive therewith a Muslim of his property; and a man who denied excess water. Allah will say: This day I shall withhold My favour on you as you withheld excess water, that which your hands did not prepare. —*Agreed.*

فَالَ رَجُلٍ مُسْلِمٍ وَ رَجُلٌ مَنَعَ
فَضْلَ مَاءٍ فَيَقُولُ اللّٰهُ اَلْيَوْمَ اَمْنَعُكَ فَضْلِيْ
كَمَا مَنَعْتَ فَضْلَ مَاءٍ مَالَمْ تَعْمَلْ يَدَاكَ *
(مُتَّفَقٌ عَلَيْهِ)

8. **Ibn Abbas** reported that the Ms. of Allah said: All Muslims are partners in three things, in water, grass and fire. 960

—*Abu Daud, Ibn Majah.*

عَنِ ابْنِ عَبَّاسٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ
صلعم اَلْمُسْلِمُوْنَ شُرَكَاءُ فِيْ ثَلَاثٍ فِي الْمَاءِ
وَالْكَلَاءِ وَالنَّارِ * (اَبُوْدَاوُد وَابْنُ مَاجَةَ)

9. **Asmara-b-Mudarres** reported: I came to the Holy Prophet and took allegiance to him. He said: He who occupies (possession of) a water which no Muslim had occupied before has got right to it. —*Abu Daud.*

عَنْ اَسْمَرَ ابْنِ مُضَرِّسٍ قَالَ اَتَيْتُ
النَّبِيَّ صلعم فَبَايَعْتُهُ فَقَالَ مَنْ سَبَقَ اِلٰى
مَاءٍ لَمْ يَسْبِقْهُ اِلَيْهِ مُسْلِمٌ فَهُوَ لَهُ * (اَبُوْدَاوُد)

10. **Amr-b-Shuaib** from his father who from his grand father reported that the Ms. of Allah gave decision about the Mahzur current 961 that it should be withheld till it should reach

عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ اَبِيْهِ عَنْ
جَدِّهٖ اَنَّ رَسُوْلَ اللّٰهِ صلعم قَضٰى فِيْ سَيْلِ
الْمَهْزُوْرِ اَنْ يُمْسَكَ حَتّٰى يَبْلُغَ الْكَعْبَيْنِ

960. By water here is meant water for drinking and irrigation purposes. Grass meant here is grass of jungles and other unclaimed lands; and fire meant here is fire for use such as for cooking purposes or lighting lamps.

961. Mahzur is the name of water belonging to the Jewish tribe Banu Quraizah which flooded their gardens and fields therewith. They did not allow others to enjoy water from this current.

the knees, and then it should be flowed down from the upper to the lower. [962]

—*Abu Daud, Ibn Majah.*

ثُمَّ يُرْسِلُ الاَعْلَى عَلَى الاَسْفَلِ *

(ابْنُ مَاجَةَ وَابُودَاوُدَ)

11. **Ayesha** reported that she enquired: O Ms. of Allah! what is the thing of which prohibition is not lawful? He said: Water, salt and fire. She said: I enquired: O Ms. of Allah, this is water and we have known it, then what is the matter with salt and fire? He said: O darling with reddish cheeks! whoso gives fire gives in charity as it were all that that fire cooks; and whoso gives salt, he gives as it were in charity all that that salt gives taste; and whoso gives a sip of water to a Muslim where water is available, he sets as it were a slave free; and whoso gives a sip of water to a Muslim where water is not available, he gives as it were his life.

—*Ibn Majah.*

عَنْ عَائِشَةَ اَنَّهَا قَالَتْ يَا رَسُولَ اللهِ مَا الشَّيْءُ الَّذِي لَا يَحِلُّ مَنْعُهُ قَالَ الْمَاءُ وَالْمِلْحُ وَالنَّارُ قَالَتْ قُلْتُ يَا رَسُولَ اللهِ هٰذَا الْمَاءُ قَدْ عَرَفْنَاهُ فَمَا بَالُ الْمِلْحِ وَالنَّارِ قَالَ يَا حُمَيْرَاءُ مَنْ اَعْطَى نَارًا فَكَاَنَّمَا تَصَدَّقَ بِجَمِيعِ مَا اَنْضَجَتْ تِلْكَ النَّارُ وَمَنْ اَعْطَى مِلْحًا فَكَاَنَّمَا تَصَدَّقَ بِجَمِيعِ مَا طَيَّبَتْ تِلْكَ الْمِلْحُ وَمَنْ سَقَى مُسْلِمًا شَرْبَةً مِنْ مَاءٍ حَيْثُ يُوجَدُ الْمَاءُ فَكَاَنَّمَا اَعْتَقَ رَقَبَةً وَمَنْ سَقَى مُسْلِمًا شَرْبَةً مِنْ مَاءٍ حَيْثُ لَا يُوجَدُ الْمَاءُ فَكَاَنَّمَا اَحْيَاهَا * (ابْنُ مَاجَةَ)

12. **Jaber** reported that the Prophet called on a person from the Helpers, and there was a companion of his with him.

عَنْ جَابِرٍ اَنَّ النَّبِيَّ صلعم دَخَلَ عَلَى رَجُلٍ مِنَ الاَنْصَارِ وَمَعَهُ صَاحِبٌ لَهُ

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962. The Holy Prophet declared that the land over or near which water will flow down has got the right of storing it until it reaches the height of a man's knee, and then it should be allowed to flow down to lower lands. Except this reservation, water can not be obstructed from having its own free course.

He saluted and the man returned while he was giving water in a garden. Then the Ms. of Allah said. If there is water with you stored in a skin last night, (it is good) or else we should cast lots. He said: There is with me no water stored in skin last night. Then he departed towards a shed and poured water in a cup and milked a goat for him. Then the Ms. of Allah took drink and then repeated. The man who came with him also took drink. —*Bukhari*.

فسلم فرد الرجل وهو يحول الماء في
حائط فقال النبي صلعم إن كان عندك
ماء بات في شنة وإلا كرعنا فقال عندي
لا ماء بات في شن فانطلق إلى العريش
فسكب في قدح ماء ثم حلب عليه
من داجن فشرب النبي صلعم وأعاد
فشرب الرجل الذي جاء معه. (البخاري)

SECTION 3

963. Free Grant.

Free grant of lands either with or without revenue to one who deserves affection or recognition of service to the fellow-beings or to the State is recognised by Islam. The Holy Prophet himself and his subsequent successors used often to resort to such practice. Following their examples, some of the Muslim rulers were also open handed with regard to free grants of lands (Jaigirs) irrespective of cast and creed of the grantees.

13. **Asma'a-bn-Abi Bakr** reported that the Holy Prophet granted to Zubair some date trees free. —*Abu Daud*.

عن أسماء بنت أبي بكر أن رسول
الله صلعم أقطع للزبير نخيلا *
(أبوداود)

14. **Ibn Omar** reported that the Prophet gave to Zubair the free land of his horse's gallop. He allowed his horse to run till it stopped, and then

عن ابن عمر أن النبي صلعم أقطع
للزبير حضر فرسه فأجرى فرسه حتى قام

he threw off his whip and said: Give him as far as the whip reaches. —*Abu Daud.*

ثم رمى بسوطه فقال اعطوه من حيث بلغ السوط * (ابو داود)

15. **Alqamah-b-Wael** reported that the Holy Prophet granted a land of Hazramat free to him. He said: Then he sent Muwayiah with me and said: Give it to him. —*Tirmizi.*

عن علقمة بن وائل عن ابيه ان النبي صلعم اقطعه ارضا بحضرموت قال فارسل معي معاوية وقال اعطها اياه *
(الترمذي)

16. **Abyaz-b-Hammal Ma'reb** reported that he came as a deputation to the Ms. of Allah. He sought for the saltpit of Ma'reb to be granted free to him. Whereupon he gave it to him. When he went away, a man enquired of him: O Ms. of Allah, verily you have given him (nothing less than) a valuable water. Then he withdrew it from him. He asked him: When will it be enclosed with thorny plants? He said: So long as the hoofs of camels will not overtake it.[634]

—*Tirmizi, Ibn Majah.*

عن ابيض بن حمال المأربي
انه وفد الى رسول الله صلعم فاستقطعه الملح الذي بمأرب فاقطعه اياه فلما ولى قال رجل يا رسول الله انما اقطعت له الماء العد فرجعه منه وسأله ماذا يحمى من الاراك قال ما لم تنله اخفاف الابل * (الترمذي وابن ماجة)

634. Ma'reb is a place in Yemen. The Holy Prophet thought that the land was waste and could be reclaimed only by enormous labour. When it was disclosed to him that it was a well-known mine of salt already reclaimed, the Holy Prophet recalled the grant and cancelled it. This shows that Judges and Magistrates may change their orders when real nature of the case is brought to their notice or new documents or evidence appear. This is provided in order 21, rule of the Indian Civil Procedure Code and section 157. It appears also that the adjoining lands to habited places cannot be considered as dead lands.

17. Samorah-b-Jundub reported that he had a great many date trees in a garden belonging to a man of the Ansars who had his family with him. Samorah used to enter it and give him trouble thereby. He came to the Prophet and mentioned it to him. The Holy Prophet summoned him to sell it to him. He declined. Then he demanded to exchange it but he declined. He said : Give them to him and there is such (reward) for you, an affair wherein he made him interested, but he declined. Then he said : You are a harmful man. He the Ansari : Go and cut down said to his date trees.[965]

—*Abu Daud.*

عن سمرة بن جندب انه كانت له عضد من نخل في حائط رجل من الانصار ومع الرجل اهله فكان سمرة يدخل عليه فيتاذى به فاتى النبي صلعم فذكر ذلك له فطلب اليه النبي صلعم ليبيعه فابى فطلب ان يناقله فابى قال فهبه لها ولك كذا امرا رغبه فيه فابى فقال انت مضار فقال للانصاري اذهب فاقطع نخله ‑ (ابوداود)

SECTION 4

966. Gift (Heba)

(a) **Gift.** A heba is defined as a voluntary gift without consideration of property or substance of a thing by one person to another so as to constitute the donee the proprietor of the subject matter of the gift. Every Muslim of sound mind and not a minor may dispose of his property by gift. The merits of gift have been dealt with in note 644. Here we are confined only to the particulars of gift.

Heba is of 3 kinds :— (a) Simple heba, hiba-be-shartil-iwaz and hiba-bil-iwaz. The first is a simple gift without any exchange

965. This hadis teaches that a stubborn oppressor should be paid in his own coin if all attempts for compromise fail.

and consideration; the second is a gift with a stipulation for a return, and the third is a gift in which some sort of consideration has already passed. Except the first kind, the second and the third resemble a sale. In a simple heba, delivery of possession is necessary, while in the other cases, it is not so. Gift may be made verbally or in writing by any man capable of making a contract. A gift by a man involved in debts is invalid, and gift in death-illness cannot take effect beyond ⅓rd. of the assets of the deceased after defraying all necessary expenses. Any person in existence may receive gift irrespective of sex, age and creed, but gift cannot be made to a person not still in existence. Contingent gifts are void, but gift with a condition is valid, the condition being void.

(b) **Revocation of gift**. Gift except in some cases can be revoked. It cannot be revoked after delivery of possession in cases of husband and wife, relations within prohibited degrees and when something in exchange has been received. In these cases, revocation cannot be done without a decree of competent court. This is the view of Imam Abu Hanifa and this is the present Hanifi law. Imam Shafeyi, Ahmad and Malek differ. Thy hold every gift irrevocable except gift of a father to a son (22:20). It appears from the tradition 22:19 that a gift to an issue to the exclusion of other issues cannot lawfully be made, but the present British Indian Law is otherwise. At present a gift can be made of the whole of the donor's property favour of an issue or a stranger,

18. **Ibn Abbas** reported that the Messenger of Allah said: He who takes his gift back is like a dog which takes back its vomitings. There is no other evil simile for us.[967] —*Bukhari.*

عَنِ ابْنِ عَبَّاسٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم الْعَائِدُ فِي هِبَتِهِ كَالْكَلْبِ يَعُودُ فِي قَيْئِهِ لَيْسَ لَنَا مَثَلُ السَّوْءِ * (البخاري)

967. It appears from this that gift cannot at all be revoked. This is the version of the three Imams except Imam Abu Hanifa. Imam Abu Hanifa says that gift can generally be revoked even before and after delivery of possession except in eight cases after delivery of possesion. Imam Shafeyi says that a father can revoke the

19. **Nu'man-b-Bashir** reported that his father came with him to the Ms. of Allah. He said: I have gifted a slave to this son of mine. He enquired: Have you made gift to every son of yours like this? 'No' said he. He said 'Revoke it'. In another narration—he said: Should it not please you that they should be equal in obedience to you? 'Yes' said he. He said: Never (then) do it. In another narration—he said: My father gave me a gift. Amrah-bn-Rawahah said: I am not pleased till you bear witness before the Ms. of Allah. Then he came to the Prophet and said: Verily I have made a gift to my son by Amrah-bn-Rawahah. She directed me to keep you as witness, O Ms. of Allah. He said: Have you made gift to the remaining of your sons like this? 'No' said he. He said: Fear Allah, and

عَنِ النُّعْمَانِ بْنِ بَشِيْرٍ اَنَّ اَبَاهُ اَتَى بِهٖ
اِلَى النَّبِيِّ صلعم فَقَالَ اِنِّيْ نَحَلْتُ
ابْنِيْ هٰذَا غُلَامًا فَقَالَ اَكُلَّ وَلَدِكَ
نَحَلْتَ مِثْلَهُ قَالَ لَا قَالَ فَارْجِعْهُ وَفِيْ رِوَايَةٍ
اَنَّهُ قَالَ اَيَسُرُّكَ اَنْ يَكُوْنُوْا اِلَيْكَ
فِي الْبِرِّ سَوَاءً قَالَ بَلٰى قَالَ فَلَا اِذًا
وَفِيْ رِوَايَةٍ اَنَّهُ قَالَ اَعْطَانِيْ اَبِيْ
عَطِيَّةً فَقَالَتْ عَمْرَةُ بِنْتُ رَوَاحَةَ
لَا اَرْضٰى حَتّٰى تُشْهِدَ رَسُوْلَ اللّٰهِ صلعم
فَاَتٰى رَسُوْلَ اللّٰهِ صلعم فَقَالَ اِنِّيْ
اَعْطَيْتُ ابْنِيْ مِنْ عَمْرَةَ بِنْتِ رَوَاحَةَ
عَطِيَّةً فَاَمَرَتْنِيْ اَنْ اُشْهِدَكَ يَا
رَسُوْلَ اللّٰهِ قَالَ اَعْطَيْتَ سَائِرَ وَلَدِكَ
مِثْلَ هٰذَا قَالَ لَا قَالَ فَاتَّقُوا اللّٰهَ

gift of his son. Imam Ahmad also sponsors this view. Imam Abu Hanifa explains this hadis by saying that here the word signifies "to take and to return". This is however not corroborated by context and the next tradition. Imam Abu Hanifa says, however, that revocation is makruh (abominable) and that this sense prevails here.

do justice among your children. He said: Then he went back and revoked his gift. In another narration, he said: I shall not be a witness over oppression. —*Agreed.*

وَاعْدِلُوا بَيْنَ أَوْلَادِكُمْ قَالَ فَرَجَعَ فَرَدَّ عَطِيَّتَهُ وَفِي رِوَايَةٍ أَنَّهُ قَالَ لَا أَشْهَدُ عَلَى جَوْرٍ - (مُتَّفَقٌ عَلَيْهِ)

20. **Abdullah-b-Amr** reported that the Messenger of Allah said: Nobody can revoke his gift except a father from his son. —*Nisai, Ibn Majah.*

عَنْ عَبْدِ اللهِ بْنِ عَمْرٍو قَالَ قَالَ رَسُولُ اللهِ صلعم لَا يَرْجِعُ أَحَدٌ فِي هِبَتِهِ إِلَّا الْوَالِدُ مِنْ وَلَدِهِ * (النَّسَائِيُّ وَ ابْنُ مَاجَةَ)

21. **Ibn Omar and Ibn Abbas** reported that the Messenger of Allah said: It is not lawful for a man to give a gift and afterwards to take it back except what a father gives to his son. The parable of one who gives a gift and then takes it back is like the parable of a dog who eats, till when it is satisfied, it vomits and then takes his vomiting back. —*Abu Daud, Tirmizi, Nisai, Ibn Majah.*

عَنِ ابْنِ عُمَرَ ابْنِ عَبَّاسٍ أَنَّ النَّبِيَّ صلعم قَالَ لَا يَحِلُّ لِلرَّجُلِ أَنْ يُعْطِيَ عَطِيَّةً ثُمَّ يَرْجِعَ فِيهَا إِلَّا الْوَالِدَ فِيمَا يُعْطِي وَلَدَهُ وَمَثَلُ الَّذِي يُعْطِي الْعَطِيَّةَ ثُمَّ يَرْجِعُ فِيهَا كَمَثَلِ الْكَلْبِ أَكَلَ حَتَّى إِذَا شَبِعَ قَاءَ ثُمَّ عَادَ فِي قَيْئِهِ - (أَبُو دَاوُدَ وَالتِّرْمِذِيُّ وَالنَّسَائِيُّ وَابْنُ مَاجَةَ)

22. **Ayesha** reported that a man said to the Prophet: Verily my mother was muttering within herself, and I thought that if she could have uttered, she would have made a gift. Will there be any reward for her if I make a gift? 'Yes' said he. —*Agreed.*

عَنْ عَائِشَةَ قَالَتْ إِنَّ رَجُلًا قَالَ لِلنَّبِيِّ صلعم إِنَّ أُمِّي افْتُلِتَتْ نَفْسُهَا وَأَظُنُّهَا لَوْ تَكَلَّمَتْ تَصَدَّقَتْ فَهَلْ لَهَا أَجْرٌ إِنْ تَصَدَّقْتُ قَالَ نَعَمْ (مُتَّفَقٌ عَلَيْهِ)

SECTION 5

968. Wakf

(a) **Wakf.** Wakf means permanent dedication by a Muslim of any property for any purpose recognised by Islam as religious, pious and charitable. The ownership of wakf property is dedicated to the Almighty Allah and the beneficiaries are entitled to receive an allowance only. The corpus of the property remains forever till the existence of the property as it cannot be sold, alienated, attached or in any way transferred or inherited. Thus the Muslims have been given the best weapon by the Great Economist to tie up their properties from generations to generations thereby ensuring the means of linvelihood and social economy. This process of disposal of the property is best from a worldly and religious points of view and cannot be found in any other system of law.

(b) **Source**. The wakf had its origin in tradition no. 23. There were also examples of wakf during the life-time of the Prophet. The Prophet himself made wakf of a piece of land which he had acquired in the cantonement of Khaiber for the support of travellers. Hazrat Omar made wakf of some lands in the same cantonement for his children, family and the poor. Zubair-b-Awam, a companion of the Prophet, made wakf for his daughter, and Sa'ad-b-Abi Waqqas of his lands in Medina and Egypt for his children.

(c) **Other important matters.** A Muslim may dedicate the whole or any part of his property by wakf, but a wakf in death-illness or by will can not take effect beyond one-third unless consent is given by the heirs. A wakf can lawfully be made in favour of the heirs with ultimate dedication to charity if there is no heir. In absence of a contract to the contrary, all heirs take equally the income of wakf.

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28. Ibn Omar reported that Omar acquired a land at Khaiber and came to the Messenger of Allah and said : O Ms. of Allah, I acquired a land at Khaiber. I did never acquire before a land so valuable to me than this. What do you enjoin me about it? He said : If you like, you may keep the corpus intact and make a gift of it. Omar made a gift of it on condition that its corpus shall neither be sold, nor be made a gift, nor be inherited. And he gave it in charity to the poor, and to the nearest of kin, and to those in bondage and in the way of Allah and guests. There is no sin for one who is a Mutawalli over it to eat therefrom with equity or feed without hoarding. (Ibn Sirin said ; without hoarding wealth). —*Agreed.*

عن ابن عمر ان عمر اصاب ارضا بخيبر فأتى النبي صلعم فقال يا رسول الله اني اصبت ارضا بخيبر لم اصب مالا قط انفس عندي منه فما تامرني به قال ان شئت حبست اصلها وتصدقت بها فتصدق بها عمر انه لا يباع اصلها ولا يوهب ولا يورث وتصدق بها في الفقراء وفي القربى وفي الرقاب وفي سبيل الله وابن السبيل والضيف لا جناح على من وليها ان يأكل منها بالمعروف او يطعم غير متمول قال ابن سيرين غير متأثل مالا (متفق عليه)

SECTION 6

969. Life-grant

Life-grant is lawful for the grantee during his life-time and it descends to his heirs provided there is no condition to the contrary. According to Imam Abu Hanifa, when property is given to a person for life, and on his death to another person, the first donee is entitled to an absolute estate, and the second donee is not entitled to any interest in the property as life-grant is nothing but a gift and a condition, the condition being void. It does not apply to a transfer for consideration. This is the Hanafi law at present. Rukba

is a generic name for all limited estates. It includes both-Umrah (life-grant) and Sukna (right of habitation). When the usufruct of a property is given to another limited to the life of the grantee, it is called Umrah. When a house is given for residential purpose, it is called Sukna. Grant by Ruqbah is made in the following way. A says to B—I give you this house with this condition that if I die before you, the house will belong to you, and if you die before me, the house will belong to me. This was generally prohibited because one remains in expectation of the death of the other. If, however, it is once made, it becomes heritable. It is illegal according to Abu Hanifa and Muhammad but lawful according to Abu Usuf.

24. **Abu Horairah** reported from the Prophet who said: Life-grant is lawful. —*Agreed.*

عن أبي هريرة عن النبي صلعم قال العمرى جائزة ـ (متفق عليه)

25. **Jaber** reported from the Holy Prophet who said: Verily life grant is a heritage for the heirs.[970] —*Muslim.*

عن جابر عن النبي صلعم قال إن العمرى ميراث لأهلها (مسلم)

26. **Same** reported that the Ms. of Allah said: Whoso grants for life for himself and his descendants, then that is for one to whom it has been granted. It shall not go back to one who granted it, because he made a grant wherein there is (condition of) inheritances. —*Agreed*

عنه قال قال رسول الله صلعم أيما رجل أعمر عمرى له ولعقبه فإنها للذي أعطيها لا ترجع إلى الذي أعطاها لأنه أعطى عطاء وقعت فيه المواريث ـ (متفق عليه)

27. **Same** reported: Verily life-grant which the Ms. of Allah held lawful is by saying: That is for you and your decendants. As for that, when he

عنه قال إنما العمرى التي أجاز رسول الله صلعم أن يقول هي لك و

970. In other words, life-grants (Umrah) can be inherited if there is no condition to the contrary.

says: It is for you so long as you are alive—that will revert to the owner.[971] —*Agreed.*

لعقبك فأما إذا قال هي لك ما عشت فإنها ترجع إلى صاحبها * (متفق عليه)

28. **Jaber** reported that the Ms. of Allah said: Don't make Ruqbah, nor Umrah. Whoso makes Ruqbah or Umrah, that is for his heirs.[972] —*Abu Daud.*

عن جابر عن النبي صلعم قال لا ترقبوا ولا تعمروا فمن أرقب شيئا أو أعمر فهي لورثته * (أبوداود)

29. **Same** reported that the Ms. of Allah said: Umrah is lawful for its owners, and Ruqbah is lawful for its owners.

—*Tirmizi, Abu Daud.*

عنه عن النبي صلعم قال العمرى جائزة لأهلها والرقبى جائزة لأهلها * (الترمذي وأبوداود)

30. **Jaber** reported that the Ms. of Allah said: Withhold your properties upon yourselves. Don't injure them because a life grant granted by anybody is for him who is given grant either he is dead or alive, and for his descendants. —*Muslim.*

عن جابر قال قال رسول الله صلعم أمسكوا أموالكم عليكم لا تفسدوها فإنه من أعمر عمرى فهي للذي أعمر حيا وميتا ولعقبه * (مسلم)

SECTION 7

973. Wills

Will means an endowment of property to a person to take effect after the death of the testator. It cannot be made beyond ⅓rd of the surplus of the assets of the testator after payment of funeral expenses and debts unless the heirs give consent to it after the death of the testator. It cannot be made in favour of an heir to the exclusion of other heirs. It may be made either vervally or in writing. It may be made to the legal ⅓rd in favour of strangers, adults and all children irrespective of sex. It is not necessary that the executor should be

971. This is not the opinion of the majority of the learned theologians. They say that the tradition is not the wording of the Prophet but of Jaber. It is his individual opinion.

972. Ruqbah and Umrah mean the same thing i.e. life-grant.

a Muslim. A non-Muslim also may be an executor by law. The bequest to an heir may be validated by the consent of the other heirs. If there is no heir, the testator may bequeath the whole of his property to a stranger. Will is wajeb (binding) according to some jurists so far as debts, liabilities and trusts are concerned. According to others, it is only Mustahab (laudable) and not wajeb. The verse regarding *wasiat* runs as follows: Bequest is prescribed for you when death approaches one of you if he leaves behind wealth for his parents and near relatives according to usage, a duty incumbent upon the righteous—2:180Q. This verse is said to have been revealed before the verse of inheritance and hence the binding nature of wasiat is said to have been relaxed.

31. **Ibn Omar** reported that the Ms. of Allah said: It is not proper for a Muslim who has got something to bequeath that he should pass two nights without his will having been written near him. —*Agreed.*

عن ابن عمر قال قال رسول الله صلعم ما حق امرئ مسلم له شيء يوصى فيه يبيت ليلتين الا ووصيته مكتوبة عنده * (متفق عليه)

32. **Sa'ad-b-Abi Waqqas** reported: I fell ill in the Year of Victory and was at the point of death. The Holy Prophet came to visit me in illness. I said: O Ms. of Allah, I have got abundant property and thre is nobody to inherit me except my two daughters. Shall I dispose of my entire property? 'No' said he. I enquired: Then ⅔rd of my property? 'No' said he. I enquired: Then half? "No" said he. I asked: "Then ⅓rd?" He said "One third, and ⅓rd

عن سعد بن ابي وقاص قال مرضت عام الفتح مرضا اشفيت على الموت فاتاني رسول الله صلعم يعودني فقلت يا رسول الله صلعم ان لي مالا كثيرا و ليس يرثني الا ابنتي افاوصي بمالي كله قال لا قلت فثلثي مالي قال لا قلت فالشطر قال لا قلت فالثلث قال الثلث

is too much.[974] That you should leave your heirs free from want is certainly better than that you should leave them poor to beg of men, that you should never incur an expense seeking therewith pleasure of Allah but you will be rewarded therefor, even for a morsel of food which you lift up to the mouth of your wife.[975] —*Agreed.*

وَالثُّلُثُ كَثِيرٌ إِنَّكَ أَنْ تَذَرَ وَرَثَتَكَ أَغْنِيَاءَ خَيْرٌ مِنْ أَنْ تَذَرَهُمْ عَالَةً يَتَكَفَّفُونَ النَّاسَ وَإِنَّكَ لَنْ تُنْفِقَ نَفَقَةً تَبْتَغِي بِهَا وَجْهَ اللّٰهِ إِلَّا أُجِرْتَ بِهَا حَتَّى اللُّقْمَةَ تَرْفَعُهَا إِلَى فِي امْرَأَتِكَ * (مُتَّفَقٌ عَلَيْهِ)

33. **Sa'ad-b-Abi Waqqas** reported: The Holy Prophet came to me while I was ill. He asked: Have you made a bequest? 'Yes' said he. He asked: To what extent? I replied: To the extent of the whole of my property in the way of Allah. He asked: What then have you left for your children? I replied: They are rich in wealth. He said: Bequeath one-tenth. Then I continued to think it little till he said: Bequeath ⅓rd and ⅓rd is too much. —*Tirmizi.*

عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ قَالَ عَادَنِي رَسُولُ اللّٰهِ صلعم وَأَنَا مَرِيضٌ فَقَالَ أَوْصَيْتَ قُلْتُ نَعَمْ قَالَ بِكَمْ قُلْتُ بِمَالِي كُلِّهِ فِي سَبِيلِ اللّٰهِ قَالَ فَمَا تَرَكْتَ لِوَلَدِكَ قُلْتُ هُمْ أَغْنِيَاءُ بِخَيْرٍ فَقَالَ أَوْصِ بِالْعُشْرِ فَمَا زِلْتُ أُنَاقِصُهُ حَتَّى قَالَ أَوْصِ بِالثُّلُثِ وَالثُّلُثُ كَثِيرٌ * (التِّرْمِذِي)

34. **Abu Omamah** reported: I heard the Ms. of Allah say in his sermon in the year of the Farewell Pilgrimage:

عَنْ أَبِي أُمَامَةَ قَالَ سَمِعْتُ رَسُولَ اللّٰهِ صلعم يَقُولُ فِي خُطْبَتِهِ عَامَ حَجَّةِ الْوَدَاعِ

974. It means that if by a bequest more than ⅓rd is given to strangers and it causes harm to issues and heirs, it is not good in the sight of Allah. The principle is that every man is responsible for his own family. Nations consist of families. If all the families observe this rule, there will be the inevitable prosperity of the nations.

975. According to Islam, every expenditure spent in family maintenance or for helping the poor and the distressed will be charitable if done with the intention of pleasing Allah or in obedience to His command. Niyyat or motive pays a prominent part in an action of a Muslim. This tradition shows that hoarding of wealth is not unlawful provided zakat is paid—9:34Q, and that hoarding to leave the heirs rich is not unlawful.

Verily Allah has given every man having right his right. So there shall be no bequest for an heir. *Abu Daud and Ibn Majah narrated it and Tirmizi* added; Issue is for the bed,[976] and for fornicator there is stoning to death, and their account is upon Allah. It is reported from *Ibn Abbas* who reported from the Prophet that he said; There is no bequest to an heir unless (other) heirs consent. (A broken tradition. This is the word of Masabih). In another narration of Darqutni, he said; Bequest is not lawful for an heir unless the (other) heirs consent.

إِنَّ اللهَ قَدْ أَعْطَى كُلَّ ذِي حَقٍّ حَقَّهُ فَلَا وَصِيَّةَ لِوَارِثٍ رَوَاهُ أَبُو دَاوُدَ وَابْنُ مَاجَةَ وَزَادَ التِّرْمِذِيُّ الْوَلَدُ لِلْفِرَاشِ وَلِلْعَاهِرِ الْحَجَرُ وَحِسَابُهُمْ عَلَى اللهِ وَيُرْوَى عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ صلعم قَالَ لَا وَصِيَّةَ لِوَارِثٍ إِلَّا أَنْ يَشَاءَ الْوَرَثَةُ مُنْقَطِعٌ هَذَا لَفْظُ الْمَصَابِيحِ وَفِي رِوَايَةِ الدَّارَقُطْنِيِّ قَالَ لَا تَجُوزُ وَصِيَّةٌ لِوَارِثٍ إِلَّا أَنْ يَشَاءَ الْوَرَثَةُ ٭

37. **Abu Hurairah** reported that the Ms. of Allah said: Verily (if) a man and his wife act in obedience to Allah for sixty years and then death overtakes them both but they act unjustly regarding bequest, the fire becomes sure for them.[977]

عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللهِ صلعم قَالَ إِنَّ الرَّجُلَ لَيَعْمَلُ وَالْمَرْأَةُ بِطَاعَةِ اللهِ سِتِّينَ سَنَةً ثُمَّ يَحْضُرُهُمَا الْمَوْتُ فَيُضَارَّانِ فِي الْوَصِيَّةِ فَتَجِبُ لَهُمَا النَّارُ ثُمَّ قَرَأَ

976. The issue is for the bed means that a child shall be ascribed to the man by whom that child was brought in the womb in the bed. It may be by the husband or by a stranger but always by the mother; so the child is ascribed to the mother who lies on bed at the time of cohabitation. The fornicator is no heir to the child, nor the child to the fornicator. The fornicator is to be stoned to death. If it is not done, his punishment is upon Allah. He may punish him or forgive him. Mr. Ameer Ali defined it—(Mohm. Law, p. 221 vol.2) —Paternity of a child born in lawful wed-lock is presumed to be in the husband of the mother without any acknowledgment or affirmation of parentage on his part and such child follows the status of the father.

977. Writing of will has been recommended as far as practicable with attesting witnesses, but it is not binding

Then Abu Hurairah read: "After bequest that may have been made or a debt without being harmful" up to His saying: And that is the great achievement. —*Ahmad, Tirmizi, Abu Daud, Ibn Majah.*

ابو هريرة من بعد وصية يوصى بها او دين غير مضار الى قوله وذلك الفوز العظيم (احمد والترمذي وابو داود وابن ماجة)

36. **Jaber** reported that the Ms. of Allah said: Whoever dies upon a bequest dies upon a (right) way and sunnat, and dies upon piety and martyrdom, and dies of sins being forgiven to him. —*Ibn Majah.*

عن جابر قال قال رسول الله صلعم من مات على وصية مات على سبيل وسنة ومات على تقى وشهادة ومات مغفورا له * (ابن ماجة)

37. **Amr-b-Shuaib** from his father who from his grandfather reported that A's-b-Wail[978] made bequest for emancipation from him of 100 slaves. His son Hisham emancipated 50 slaves. His son Amr intended to set free the remaining 50 slaves. So he said: Till I ask the Prophet. So he asked the Prophet. He came to the Prophet and said: O Ms. of Allah, verily my father bequeathed that 100 of his slaves should be emancipated, and verily Hisham set free 50 slaves of him, and there remain 50 still for him. Shall I emancipate for him? Then the Prophet

عن عمرو ابن شعيب عن ابيه عن جده ان العاص ابن وائل اوصى ان يعتق عنه مائة رقبة فاعتق ابنه هشام خمسين رقبة واراد ابنه عمرو ان يعتق عنه الخمسين الباقية فقال حتى اسال رسول الله صلعم فاتى النبي صلعم فقال يا رسول الله ان ابي اوصى ان يعتق عنه مائة رقبة وان هشاما اعتق عنه خمسين وبقيت عليه خمسون رقبة افاعتق عنه فقال

978. A's-b-Wail saw this period but he did not accept Islam. He left two sons-Hisham and Amr-b-al-A's who accepted Islam. This shows that a good deed done on behalf of a dead Muslim reaches him but does not reach a non-Muslim.

said : Had he been a Muslim, you could have emancipated for him, or given alms for him, and performed pilgrimage for him. That would have reached him.

—*Abu Daud.*

رسول الله صلعم انه لو كان مسلما فاعتقتم عنه او تصدقتم عنه و حججتم عنه بلغه ذلك * (ابوداود)

38. **Anas** reported that the Ms. of Allah said : Whoever cuts off the heritage of his heir, Allah will cut off his heritage of Paradise on the Resurrection Day. 979

—*Ibn Majah, Baihaqi from Abu Hurairah.*

عن انس قال قال رسول الله صلعم من قطع ميراث وارثه قطع الله ميراثه من الجنة يوم القيامة - (ابن ماجة و البيهقي عن ابي هريرة)

SECTION 8

980. Inheritance

(a) **Pre-Islamic Law of Inheritance**. Before Islam, succession to properties both among the Arabs and non-Arabs was quite unsatisfactory and not in well-defined lines. Succession among Pre-Islamic Arabs was confined only to able male relations—22:51. Daughters, widows, mothers, sisters, minors and incapable persons had no share in the heritage. Mother was regarded as among the chattels that came down for inheritance. The basic principle of inheritance among them was that one must be capable of defending honour of the family and the tribe. In Jewish law, daughters were excluded by the sons, and mothers inherited nothing from their children. Illegitimate children had the same right as legitimate children. Daughters had no interest in the property of their mothers. In India also, daughters are excluded by sons, and the widows and other females have got no absolute interest. There is also distinction between self-acquired and ancestral properties. In Europe, there is distinction between real and personal properties.

979. Allah ordained shares and residues for heirs. He who disinherits an heir will certainly lose inheritance of Paradise on the Resurrection Day. The Quran says : They will inherit Ferdous (Q). Allah will then deprive them of Ferdous. In other words, they will not be able to enter Paradise.

These inequalities, exclusion of women from inheritance thereby degrading them to the position of chattels or if more to the lowest status, have been removed by the magic touch of the Holy Prophet and a more equitable and just principle has been adopted in inheritance, thereby ensuring the absolute rights of women in different capacities, as mother, sister, daughter and wife. These shares have been guranteed, their rights have been recognised and thus their status has been greatly raised up. The Quran says: Men shall have a portion of what their parents and near relatives leave; and women shall have a portion of what their perents and near relations leave, whether there is little or much of it—4:70. Thus personal acquisition and labour have been recognised both for men and women. It has been confirmed in another verse: Man has got right in what they acquire and woman also has got right in what they acquire. An Europem writer had to admit "we find ample attention paid to the interests of all those whom nature places in the first rank of our affections, and indeed it is difficult to conceive any system containing rules more strictly just and equitable."

(b) Distribution of Property. The assets left by the deceased must be dealt with in Islam in the following way in order of preference: (1) Funeral expenses, (2) satisfaction of debts—22;53, (3) payment of bequest, if any, to the extent of ⅓rd. of the total assets, (4) to divide the remainder among the heirs. The rules to be observed in the division are the following: (1) Firstly, the sharers (Ashabe-Farz) will get their shares as fixed by Allah. —22;40; (2) secondly, the residue shall be divided among such residuaries as are entitled to the residue. In default of the first, the second will get the whole; (3) the distant kindred. In default of the first and the second, the third shall inherit except in one case. (4) In default of the former three, succession will go to one held by wala i.e. one who undertakes to pay fine or ranson for the deceased —22;32. (5) If that does not occur in a case, it will go to the acknowledged kinsman i.e. a person of unknown descent in whose favour the deceased has made an acknowledgment of kinship, not through himself but through another. (6) In default, it will go to the universal legatee i.e. a person to whom the deceased has left

the whole of his property by will. (7) In default of any of the former persons, it will escheat to the Baitul Mal or Public Treasury. (8) In default of Public Treasury, it will go to the leaders of the village of the deceased for distribution to the poor—22:51,52.

(c) **Sharers with Shares :** (1) Father $\frac{1}{6}$th, (2) grandfather $\frac{1}{6}$th, (3) husband $\frac{1}{4}$th with child and $\frac{1}{2}$ without child, (4) wife $\frac{1}{8}$th with child and $\frac{1}{4}$th without child, (5) mother $\frac{1}{6}$th with child and $\frac{1}{3}$rd without child, (6) grand-mother $\frac{1}{6}$th (paternal or in default maternal), (7) daughter $\frac{1}{2}$ when alone, and $\frac{2}{3}$ if more when no son, (8) son's daughter h.l.s. like above, (9) uterine brother or sister $\frac{1}{6}$th if one, $\frac{1}{3}$rd if more, (10) full sister $\frac{1}{2}$ when alone, and $\frac{2}{3}$rd if more, (11) consanguine sister $\frac{1}{2}$ if one and $\frac{2}{3}$rd if more. There are 12 sharers, of them there are six that inherit as residuaries when there are corresponding males of parallel grade—father, true grandfather, daughter, son's daughter, full sister and consanguine sister.

(d) **Residuaries in order of succession :**—(1) Son, (2) son's son, (3) father, (4) true grandfather, (5) full brother, (6) full sister, (7) full brother's son, (8) consanguine brother's son (9) full brother's son's son, (10) consanguine brother's son's son, (11) full paternal uncle, (12) consanguine paternal uncle i.e. descendants, ascendants, then descendants of father, then descendants of grandfather and then male descendants of more remote grandfathers. Shares are so arranged that son get always something as a residuary.

(e) **Distant Kindred.** (1) Descendant of the deceased, (2) ascendant of the deceased, (3) descendant of parents, (4) descendant of immediate grand-parents and (5) descendant of more remote ancestors.

(f) **Principles of Inheritance.** (1) The nearer in degree exclude the more remote as grandfather is excluded by father. (2) Whoso is related to the deceased through any person shall not inherit while that person is living.

(g) **Four persons cannot get Inheritance.** (1) a fugitive slave who has fled away from his master ; (2) one who has murdered his predecessor willingly or unwillingly—22:45 ; (3) difference in religion—30:44 ; (4) difference in habitation i.e.

one living in Darul-Harb (country at war) and another in Darul Islam (country at peace).

No child that does not take breath when born shall inherit or be inherited—30:80; Prophet took responsibility of paying debts from the Estate of one who left nothing—22:39; no Muslim inherits a polytheist, nor a polytheist inherits a Muslim—22,41 : 44; Prophet dearer to a believer than his own soul—22:49; illegitimate son does not inherit, nor is inherited—22:50; occasion of the revelation of the verse of inheritance—22:54; rules of inheritance, zakat and pilgrimage should be learnt—22:320.v.

39. Abu Hurairah reported from the Prophet who said: I am dearer to the believers than their ownselves. So whoso dies leaving debt due from him but without leaving means of payment, then its payment is on me. And whoso leaves a property, it is for his heirs. And in a narration: Whoso leaves a debt or poor means, let him come to me as I am his substitute. In another narration: Whoso leaves a property, it is for his heirs; and whoso leaves a debt, it is on us.[981] —*Agreed.*

عن أبي هريرة عن النبي صلعم قال أنا أولى بالمؤمنين من أنفسهم فمن مات وعليه دين ولم يترك وفاء فعلي قضاؤه ومن ترك مالا فلورثته وفي رواية من ترك دينا أو ضياعا فليأتني فأنا مولاه وفي رواية من ترك مالا فلورثته ومن ترك كلا فإلينا. (متفق عليه)

40. Ibn Abbas reported that the Ms. of Allah said: Pay the fixed shares of inheritance to the persons entitled to them. What remains thereafter is for the nearest male person.[982] —*Agreed.*

عن ابن عباس قال قال رسول الله صلعم ألحقوا الفرائض بأهلها فما بقي فهو لأولى رجل ذكر * (متفق عليه)

41. Osamah-b-Zaid reported that the Ms. of Allah said: No

عن أسامة بن زيد قال قال رسول

981. This shows that the Holy Prophet was the Apostle of relieving the sufferings of the insolvent debtors by taking the risk of payment upon his government. In this way he looked to the temporal and spiritual sides of a man. He is therefore termed "a blessing to all the worlds—21:10:Q".

982. The rule is that the nearest in relation to the deceased will get the residue after the fixed sharers get their shares. The nearer will exclude the more remote.

Muslim inherits a polytheist, nor a polytheist inherits a Muslim. 983 —*Agreed.*

اللهِ صلعم لَا يَرِثُ الْمُسْلِمُ الْكَافِرَ وَلَا الْكَافِرُ الْمُسْلِمَ * (مُتَّفَقٌ عَلَيْهِ)

42. **Anas** reported that the Ms. of Allah said: The emancipator of a people is from themselves. 984 —*Bukhari.*

عَنْ أَنَسٍ عَنِ النَّبِيِّ صلعم قَالَ مَوْلَى الْقَوْمِ مِنْ أَنْفُسِهِمْ * (الْبُخَارِي)

43. **Same** reported that the Ms. of Allah said: The son of the sister of a people belongs to them. 985 —*Agreed.*

عَنْهُ قَالَ قَالَ رَسُولُ اللهِ صلعم إِبْنُ أُخْتِ الْقَوْمِ مِنْهُمْ * (مُتَّفَقٌ عَلَيْهِ)

44. **Abdullah b-Amr** reported that the Ms. of Allah said: People of two different religions shall not be heirs to one another. —*Abu Daud, Ibn Majah, Tirmizi from Jaber.*

عَنْ عَبْدِ اللهِ بْنِ عَمْرٍو قَالَ قَالَ رَسُولُ اللهِ صلعم لَا يَتَوَارَثُ أَهْلُ الْمِلَّتَيْنِ شَتَّى ـ (أَبُودَاوُدَ وَ ابْنُ مَاجَةَ وَالتِّرْمِذِيُّ عَنْ جَابِرٍ)

45. **Abu Hurairah** reported that the Holy Prophet said: The murderer shall not inherit. 986 —*Tirmizi, Ibn Majah.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم اَلْقَاتِلُ لَا يَرِثُ (التِّرْمِذِيُّ وَابْنُ مَاجَةَ)

46. **Boraidah** reported that the Holy Prophet fixed ⅙th for a grand-mother when there is no mother besides her. 987 —*Abu Daud.*

عَنْ بُرَيْدَةَ أَنَّ النَّبِيَّ صلعم جَعَلَ لِلْجَدَّةِ السُّدُسَ إِذَا لَمْ تَكُنْ دُونَهَا أُمٌّ * (أَبُودَاوُدَ)

983. The theologians are unanimous that a polytheist can not inherit a Muslim, but there is difference of opinions regarding a Muslim inheriting a polytheist. The majority say that he does not inherit Imam Malek differs. A retrograde does not inherit a muslim, but a muslim can inherit the property of a retrograde acquired during his Islam according to Imam Abu Hanifa, and cannot inherit a retrograde according to others.

984. This means that the emancipator of a slave inherits the property of the slave if he has got no heir. The slave will not inherit his master.

985. Nephews inherit maternal uncles, but not according to Imams Abu Hanifa and Ahmad.

986. One who commits murder of his kindred whom he will inherit is disinherited on account of the foul deed.

987. This means that in absence of mother, the grand mother, either paternal or maternal, will get ⅙th share.

47. **Jaber** reported that the Ms. of Allah said: When a child takes breath, it shall be prayed over and it inherits.

—*Ibn Majah, Darimi.*

عَنْ جَابِرٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم إِذَا اسْتَهَلَّ الصَّبِيُّ صُلِّيَ عَلَيْهِ وَوَرِثَ * (ابن ماجة والدارمي)

318w. **Kasir-b-Abdullah** reported that the Holy Prophet said: The emancipator of a people is from them, and the covenanted man of a people is from them, and the son of the sister of a people is from them.[988]

—*Darimi.*

عَنْ كَثِيرِ بْنِ عَبْدِ اللّٰهِ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم مَوْلَى الْقَوْمِ مِنْهُمْ وَحَلِيفُ الْقَوْمِ مِنْهُمْ وَابْنُ أُخْتِ الْقَوْمِ مِنْهُمْ * (الدارمي)

48. **Miqdam** reported that the Ms. of Allah said: I am dearer to a believer than his own life. Whoso leaves a debt or scanty means, it is upon me: and whoso leaves property, it is for his heirs. I am guardian over one who has got no guardian. I shall inherit his property and make his liability free. Maternal uncle is heir to one who has got no heir. He will inherit his property and make his liability free. In another narration: I am an heir to one who has got no heir. I shall pay blood-feud for him and inherit him, and maternal uncle is heir to one who has got no heir. He will pay his blood-feud and inherit him. —*Abu Daud.*

عَنِ الْمِقْدَامِ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم أَنَا أَوْلَى بِكُلِّ مُؤْمِنٍ مِنْ نَفْسِهِ فَمَنْ تَرَكَ دَيْنًا أَوْ ضَيْعَةً فَإِلَيْنَا وَمَنْ تَرَكَ مَالًا فَلِوَرَثَتِهِ وَأَنَا مَوْلَى مَنْ لَا مَوْلَى لَهُ أَرِثُ مَالَهُ وَأَفُكُّ عَانَهُ وَالْخَالُ وَارِثُ مَنْ لَا وَارِثَ لَهُ يَرِثُ مَالَهُ وَيَفُكُّ عَانَهُ وَفِي رِوَايَةٍ وَأَنَا وَارِثُ مَنْ لَا وَارِثَ لَهُ أَعْقِلُ عَنْهُ وَأَرِثُهُ وَالْخَالُ وَارِثُ مَنْ لَا وَارِثَ لَهُ يَعْقِلُ عَنْهُ وَيَرِثُهُ * (أبو داود)

988. This condition existed before the verse of inheritance was revealed. The covenanted man of a people belongs to them means the man with whom another man has entered into a contract that his murder will be considered as his murder, his fight as his and so on. In other words, contract was made with him with full responsibility. In case of murder, his blood-feud shall be given by such people with whom contract was made. A freed man of a people is from them means that an emancipator inherits a freed man's property. The last sentence means that nephews shall inherit maternal uncle's property.

49. **Waselah-b-Asqa'a** reported that the Ms. of Allah said: A woman shall get three inheritances—(from) one whom she emancipated, one whom she picked up and her son for whom she imprecated.[989] —*Tirmizi, Abu Daud, Ibn Majah.*

عن واثلة بن الأسقع قال قال رسول الله صلعم تحرز المرأة ثلاث مواريث عتيقها ولقيطها وولدها الذي لاعنت عنه * (الترمذي وابوداود وابن ماجة)

50. **Amr-b-Shuaib** reported from his father who from his grandfather that the Ms. of Allah said: Whoso fornicates with a free woman or a slave-girl, the issue is an illegitimate child. He shall neither inherit, nor be inherited.[990] —*Tirmizi.*

عن عمرو بن شعيب عن ابيه عن جده ان النبي صلعم قال ايما رجل عاهر بحرة او امة فالولد ولد زنا لا يرث ولا يورث * (الترمذي)

51. **Ayesha** reported that a freed slave of the Prophet died and left something without leaving an heir, or a son. The Holy Prophet said: Give his heritage to a man of the inmates of his own village.[991] —*Abu Daud, Tirmizi.*

عن عائشة ان مولى لرسول الله صلعم مات وترك شيئا ولم يدع حميما ولا ولدا فقال رسول الله صلعم اعطوا ميراثه رجلا من اهل قريته * (ابوداود والترمذي)

52. **Boraidah** reported that a man of Khuja'a died. He came to the Prophet with his heritage. He said: Search for it an heir or a blood-relation. They did not find any heir or blood-

عن بريدة قال مات رجل من خزاعة فاتي النبي صلعم بميراثه فقال التمسوا له وارثا او ذا رحم فلم يجدوا له وارثا ولا

989. A woman shall inherit an emancipated slave who died without leaving any heir, one whom she picked up and who was brought up by her, and a child who was denied by the husband of its mother on the ground of whoredom and about which imprecation took place.

990. The illegitimate son or girl does not inherit a fornicating father, but inherits such a mother. The mother also inherits him or her.

991. It means that the property of a man who has left no heir vests in the Estate. The Prophet was to have the heritage of the freed man, but he did not accept it as no Prophets inherited, nor were inherited.

relation. Then the Ms. of Allah said: Give it to the leaders of Khuja'a.[992] —*Abu Daud.*

ذا رحم فقال رسول الله صلعم اعطوه الكبر
من خزاعة * (ابوداود)

53. **Ali** reported: Verily you read this verse—"After bequest which you have made or (satisfaction of) a debt (4:11Q)" and the Ms. of Allah gave decree about debt before bequest. And verily the uterines among the children of the mother shall inherit one another in preference to the children of foster mothers. A man shall inherit his brother by his father and mother in preference to his brother only by his father. *Tirmizi and Ibn Majah* narrated it. And in a narration of *Darimi*: He said: Brothers by the mother inherit one another in preference to the sons of foster mothers—up to its end.

عن علي قال انكم تقرؤن هذه الاية
من بعد وصية توصون بها او دين وان
رسول الله صلعم قضى بالدين قبل الوصية
وان اعيان بني الام يتوارثون دون بني العلات
الرجل يرث اخاه لابيه وامه دون اخيه
لابيه رواه الترمذي وابن ماجة وفي
رواية الدارمي قال الاخوة من الام
يتوارثون دون بني العلات الى اخره *

54. **Jaber** reported that the wife of Sa'ad-b-Rabiy came with her two daughters by Sa'ad-b-Rabiy to the Ms. of Allah. He said: O Ms. of Allah, they are two daughters of Sa'ad-b-Rabiy. Their father was martyred with you on the day of Uhud, and their uncle has taken their property. He has not left any property for them, and they can't be married unless they have got property. He said:

عن جابر قال جاءت امراة سعد بن
الربيع بابنتيها من سعد بن الربيع الى
رسول الله صلعم فقالت يا رسول الله هاتان
ابنتا سعد بن الربيع قتل ابوهما معك
يوم احد شهيدا وان عمهما اخذ مالهما
ولم يدع لهما مالا ولا تنكحان الا ولهما
مال قال يقضي الله في ذلك فنزلت

992. The leaders of the tribe got the heritage as they were expected to spend it for the poor and the destitute. This means that such 'la-wares' property vests in the Estate and shall be deposited in the Public Treasury. In another narration of Abu Daud, he (Prophet) said: Look at the great men of Khuja'a.

Allah will act about that. Then the verse of inheritance (4:11Q) was revealed. So the Prophet sent for their uncle and said: Give the two daughters of Sa'ad ⅔rd and give their mother ⅛th, and what remains is for you. —*Ahmad, Abu Daud, Ibn Majah, Tirmizi (Approved, Rare).*

آية الميراث فبعث رسول الله صلعم إلى عمهما فقال أعط ابنتي سعد الثلثين وأعط أمهما الثمن وما بقي فهو لك ـ (أحمد والترمذي وأبو داود وابن ماجة) (حسن غريب)

55. **Huzail-b-Shurahbil** reported that Abu Musa was asked about daughter and daughter of son and sister. He said: For the daughter, there is half, and for the sister half, and bring the son of Mas'ud. He will agree with me. Then the son of Mas'ud was asked and was informed of the question of Abu Musa. He said: Then I am in error; I am not among the rightly guided men. I gave decision therein according to what the Prophet decreed; half for the daughter and ⅙th for the son's daughter towards completion of ⅔rds, and what remains is for the sister. We them came to Abu Musa and intimated to him of the saying of Ibn Mas'ud. He said: Don't ask me so long as this learned man is amongst you. —*Bukhari.*

عن هزيل بن شرحبيل قال سئل أبو موسى عن ابنة وبنت ابن وأخت قال للبنت النصف وللأخت النصف وائت ابن مسعود فسئل ابن مسعود وأخبر بقول أبي موسى فقال لقد ضللت إذا وما أنا من المهتدين أقضي فيها بما قضى النبي صلعم للبنت النصف ولابنة الابن السدس تكملة الثلثين وما بقي فللأخت فأتينا أبا موسى فأخبرناه بقول ابن مسعود فقال لا تسألوني ما دام هذه الحبر فيكم * (البخاري)

56. **Imran-b-Hussain** reported that a man came to the Prophet and said: Verily the son of my son

عن عمران بن حصين قال جاء رجل إلى رسول الله صلعم فقال إن ابن

died. What is for me out of his heritage? He said: There is 1/6th for you. When he went away, he called him and said: For you, there is another 1/6th. When he went away, he called him, saying: The last 1/6th is a provision for you.

—Ahmad, Tirmizi, Abu Daud (Approved, Rare).

57. **Qabisah-b-Zuaib** reported that the grand-mother came to Abu Bakr asking him about her heritage. He said to her: There is nothing for you in the Book of Allah, and there is nothing for you in 'Sunnat' of the Prophet. Return till I ask the people. He enquired, Mugirah, son of Shu'bah, said: I was present before the Apostle of Allah who gave her 1/6th. Then Abu Bakr said: Have you got others besides you? Muhammad-b-Maslamah said like what Mugirah had said. Abu Bakr then gave it to her. Then another grand-mother came to Omar asking him her heritage. He said: That 1/6th is for her also. If you both exist together, it is between you, and if any of you predeceases another, it is for her.

Malek, Ahmad, Tirmizi, Abu Daud, Darimi, Ibn Majah.

ابني مات فما لي من ميراثه قال لك السدس فلما ولى دعاه قال لك سدس آخر فلما ولى دعاه قال إن السدس الآخر طعمة لك - (احمد والترمذي وابوداود (حسن غريب)

عن قبيصة بن ذويب قال جاءت الجدة الى ابي بكر تسأله ميراثها فقال لها ما لك في كتاب الله شيء وما لك في سنة رسول الله صلعم شيء فارجعي حتى اسأل الناس فسأل فقال المغيرة بن شعبة حضرت رسول الله صلعم أعطاها السدس فقال ابوبكر هل معك غيرك فقال محمد بن مسلمة مثل ما قال المغيرة فانفذه لها ابوبكر ثم جاءت الجدة الاخرى الى عمر تسأله ميراثها فقال هو ذالك السدس فان اجتمعتما فهو بينكما وايتكما خلت به فهو لها * (مالك واحمد والترمذي وابوداود والدارمي وابن ماجة)

58. **Ibn Mas'ud** reported about a grand mother along with her son. She was the first grand-mother whom the Prophet gave to enjoy 1/6th with her son, while her son was alive.

—*Tirmizi, Darimi (Weak).*

عن ابن مسعود قال في الجدة مع ابنها انها اول جدة اطعمها رسول الله صلعم سدسا مع ابنها وابنها حي * (الترمذي والدارمي ضعيف)

59. **Zuhhak-b-Sufyan** reported that the Prophet wrote to him: Give inheritance to the widow of Ashyam Zababi from the blood-feud of her husband.[994]

—*Abu Daud, Tirmizi (Approved, Correct).*

عن الضحاك بن سفيان ان رسول الله صلعم كتب اليه ان ورث امرأة اشيم الضبابي من دية زوجها * (الترمذي وابوداود حسن صحيح)

60. **Tamim ad-Dari** reported: I asked the Prophet: What is the order regarding a man from among the polytheists turning a Muslim in the hands of one of the Muslims? He said: He is the best of men in his life and in his death.[995]

—*Tirmizi, Ibn Majah, Darimi.*

عن تميم الداري قال سألت رسول الله صلعم ما السنة في الرجل من اهل الشرك يسلم على يدي رجل من المسلمين فقال هو اولى الناس بمحياه ومماته * (الترمذي وابن ماجة والدارمي *

61. **Ibn Abbas** reported that a man died without any heir except a slave whom he had emancipated. The Holy Prophet said: Has he got anybody? They replied: No, except a slave of his whom he set free. Then the Prophet made him an heir to him.[996]

—*Abu Daud, Tirmizi, Ibn Majah.*

عن ابن عباس ان رجلا مات ولم يدع وارثا الا غلاما كان اعتقه فقال النبي صلعم هل له احد قالوا لا الا غلام له كان اعتقه فجعل النبي صلعم ميراثه له * (ابوداود والترمذي وابن ماجة)

994. Ashyam Zababi was killed by mistake at the time of the Prophet.
995. This was abrogated by the verse of the Quran about inheritance.
996. This shows that the emancipator and one emancipated both inherit to one another and are inherited in absence of heirs.

62. **Amr-b-Shuaib** reported that the Ms. of Allah said: He who inherits property inherits Wala. 996a —*Tirmizi.*

عن عمرو بن شعيب عن ابيه عن جده ان النبي صلعم قال يرث الولاء من يرث المال * (الترمذي)

63. **Abdullah-b-Omar** reported that the Ms. of Allah said: What has been divided of heritage in the Days of Ignorance is upon the division of the Days of Ignorance, and whatever heritage Islam has overtaken is upon the division of Islam. 997 —*Ibn Majah.*

عن عبد الله بن عمر ان رسول الله صلعم قال ما كان من ميراث قسم في الجاهلية فهو على قسمة الجاهلية وما كان من ميراث ادركه الاسلام فهو على قسمة الاسلام * (ابن ماجة)

319w. **Muhammad-b-Abi Bakr** reported that his father heard many persons to say that Omar-b-al-Khattab used to say: It is wonderful for the aunt that she is inherited but does not inherit. —*Malek.*

عن محمد بن ابي بكر انه سمع اباه كثيرا يقول كان عمر بن الخطاب يقول عجبا للعمة تورث ولا ترث - (مالك)

320w. **Omar** reported: Learn the fixed ordinances of inheritance. (Ibn Mas'ud added; and divorce and pilgrimage as they are of your religion.) —*Darimi.*

عن عمر قال تعلموا الفرائض وزاد ابن مسعود والطلاق والحج قال فانه من دينكم - (الدارمي)

996a. Wala means the property of a freed man.

997. This means that property already inherited or acquired in the Days of Ignorance can not now be conveniently allowed in Islam. He who got less at that time than what Islam fixed can not claim more. If, however, property is partitioned after a man embraces Islam, he may follow the law of Islam.

CHAPTER XXIII

SECTION 1

998. Jihad (holy war)

(a) **Jihad.** The word is derived from Jahadun meaning exertion or striving. Technically it means exerting of one's power in repelling enemy to the extent of one's ability whether by word or by deed. It also means a war undertaken for a just cause and for defence of Islam. The holy Quran used the word in various ways: Those who strive hard for Us, We will certainly guide them in Our ways, and Allah is surely with the doers of good—29:69Q. Whoever strives hard, he strives only for his own soul—29:6Q. Strive hard for Allah such a striving as is due to Him—22:78Q. It appears therefore that the word has been used in different senses but some European writers twisted it and applied it in all cases to Holy War.

(b) **Object of Jihad.** The Holy Quran says: Permission to fight is given to those upon whom war is made because they are oppressed, and Allah is well able to assist them, those who have been expelled from their homes without a just cause except that they say: Our Lord is Allah, and had there not been Allah's repelling some people by others, there would have been pulled down cloisters, churches, synagogues and mosques in which Allah's name is much remembered, but Allah will help him who helps His cause-22:39, 40Q. The object of Jihad is therefore self-defence which is also a natural law with regard to all animals, and the object is not propagation of the faith. The Holy Quran strictly prohibited conversion by force saying: There is no compulsion in religion (2:256Q). Jihad is holy war in the sense that had there been no war, no religious liberty, no justice and no house of God irrespective of cast and creed would have been saved. This magnanimous pronouncement of the object of war in protecting the holy places of all faiths is nowhere found in the world except in Islam. For absence of good motive in war, the world is now in utter chaos and imperialistic and bureaucratic tendencies have cropped up to an amazing extent. All the wars

undertaken by the Prophet and his companions were of this type. The Quran says in unmistakable terms about the object of war in another verse : And fight in the way of Allah with those who fight with you, and be not aggressive—2:140Q. This verse also warns the Muslims not to be excessive in killing such as the killing of women, children and the old. The Holy Prophet used to pray in the field of Badr in the midst of actual fight : O Allah ! I beseech Thee to fulfil Thy covenant and Thy promise. "O Allah ! if Thou wilt, Thou wilt be worshipped no more."

(c) **Aganist whom to fight ?** Fight must be against aggressors who create disturbance in the world and destroy the houses of God of all faiths Islam however prohibits to fight with those who do not take aggressive part or who are under any treaty with the Muslims on payment of Jizya tax which is a token of submission to muslim rule. The Quran recites : (Fight with the aggressors) except those of the idolaters with whom you made a treaty, they have not injured you in anything and have not backed up anyone against you, so fulfil their treaty to the end of their terms ; surely Allah loves those who are careful of their duty (9:4Q) Again it says ; If one of the idolaters seek protection from Thee, give him protection till he hears the word of Allah, then make him reach his place of safety ; this is because they are a people who do not know—(9:6Q). Again the Quran says ; Allah does not forbid you respecting those who have not made war against you on account of (your) religion, and have not driven you forth from your homes, that you show them kindness and deal with them justly. Surely Allah loves the doers of justice—60:8Q.

(d) **Merits of Jihad.** Jihad is one of the chief meritorious acts in the eye of Islam and it is the best source of earnings but it shall be undertaken with the intention of self-defence as said above. If it is purged of that motive, it is devoid of all merits. He who fights for chivalry, heroism, fame or worldly gain has got no merit, and the aggressor is doomed to enternal perdition (23;53,54). Jihad is the best action of a Muslim (23:19). A great reward has been promised for supplying even arms and ammunitions to the warriors—34;555w. There are innumerable traditions relating to the merits of Jihad or of a Gazi. Here are a few traditions, Merit acquired

in Jihad is no less than what is earned in praying and fasting—23:1. Fire will not touch a foot which trod the path of Allah—23:8. All the sins of a martyr will be forgiven except debt—23:19,20. Doors of Paradise are under the shades of swords—23:60. Paradise is guaranteed for the martyrs—23:39,40. A coin spent in the way of Allah brings innumerable blessings—23:37. For these rewards, the Holy Prophet wished that he should die several times in holy war and be brought back to life several times for holy war.

(e) **Spiritual Jihad**. 'The Greatest Jihad' says the Prophet, 'is the fight against the evil passions of oneself'—4:193w, because these are the enemies of soul working secretly to undermine the most vital qualities of a man. The great tussle which ensues in mind between good and evil forces of a man is called the greatest fight. There are two propensities in a man-beastly and angelic. Man is an animal and therefore he has got like other animals the propensities of an animal. He has also got soul, a thing from Allah, and therefore he has also got propensities of good deeds. At the age of discretion one tries to prevail over another. The struggle of soul to gain upper hand over the animal nature in a man is called the greatest fight.

(f) **Military organisation** of the Holy Prophet was quite contrary to that of the present day. The Romans and the Persians had regular standing army like the present day with fixed salaries, and members of noble and respectable families were commanders and chiefs. In such an organization where conquests were the main objects, corruptions and debauchery were predominant and mercenary motives were great. The Holy Prophet had no such standing army. He trained every man and woman forming a nationl militia whose sole object was to establish the Kingdom of Allah on earth.

These ethics of warfare are a glorious chapter from which modern nations may learn valuable lessons. The reforms which he introduced in his military system are the following :—

(1) The whole army was divided into many units, each unit being under the direct supervision of a chief responsible to the general commander called Ameer.

(2) He had an organised and regular way of providing for the expenses of the army. Every Muslim, rich or poor, had to contribute proportionately to the *Baitul-Mal* (Public Treasury) for this purpose.

(3) He inculcated strict rules about morality and religious duties among soldiers. Drinking, debauchery, looting and plundering and thousands of other things were prohibited (4:12). Even in actual warfare, prayer had to be performed in the battle-field in the thick of fight.

(4) He created a taste for military life and he directly inspired his men with courage and bravery by himself taking an active part in all their military exercises and parades.

(5) He created in the soldiers a truly national republican spirit, making the humblest realise that they were the part and parcel of the Estate.

(6) He had proper arrangements for the nurse of the sick and the wounded in the battle field.

(7) He used to divide the booties among the soldiers who acquired them.

(g) **References**—Quran: Martyrs are alive—2-154; 3:168; fight allowed in self-defence—2:190; 22:39; fight is good though disagreeable—2:215; fighting in the sacred month unlawful—2:217; victory does not lie in physical strength alone—2:249; war brings lasting peace—2:251; there is forgiveness for martyrs—3:156; great rewards for a Gazi—4:94; battle of Badr—3:12; 8:19; Muslim though few will be victorious—8:65; great rewards for the Refugees—22:58; fight unlawful against peaceful people—60:8.

Hadis—1:8, 73; 3:7, 98; 4:101, 102; 8:1, 16; 38:48; 609w, 156; 39:39; 44:107, 108, 113-117, 122-126, 145-148, 160, 178, 163; 46:141; 23:19, 151; 34:5, 473w, 138, 746; 35:555w, 574w.

The killer and the killed will go to hell if the object is not Jihad—1:8; Jihad by a party of the Muslims will continue—8:73; great reward in Jihad—3:7; Prophet's injunction is to make Jihad—3:98; martyrdom of Muslims in some cases—note 252 (c); rewards in Paradise—4:101, 102; 8:1; Allah loves a daring soldier—8:16; prayer at the battle of the Allies—38:160; Gazi is a security over Allah—34:138; one who supplies war-materials gets rewards—35:555w; war is a deception—39:39; Prophet's prayer at Badr—44:107; 110:117, 145, 148, 160, 178, 163; 46:141; 23:19, 151.

1. **Abu Hurairah** reported that the Messenger of Allah said: Whoso believes in Allah and His Prophet, and keeps up prayer and fasts Ramadwan, it becomes the duty of Allah to admit him in Paradise whether he fought in the way of Allah or kept sitting in the land wherein he was born. They asked: Shall we not convey this good news to the people? He said: There are 100 steps in Paradise which Allah prepared for those who fight in the way of Allah. The distance between the two steps is what is between heaven and earth. So when you beg of Allah, beg Him of Ferdous; and verily it is the most extensive Paradise and the highest Paradise, and above it is the Throne of the Merciful wherefrom the rivers of Paradise flow. 999 —*Bukhari.*

عن أبي هريرة قال قال رسول الله صلعم من آمن بالله ورسوله وأقام الصلوة وصام رمضان كان حقا على الله أن يدخله الجنة جاهد في سبيل الله أو جلس في أرضه التي ولد فيها قالوا أفلا نبشر الناس قال إن في الجنة مائة درجة أعدها الله للمجاهدين في سبيل الله ما بين الدرجتين كما بين السماء والأرض فإذا سألتم الله فاسألوه الفردوس فإنه أوسط الجنة وأعلى الجنة وفوقه عرش الرحمن ومنه تفجر أنهار الجنة *

(البخاري)

2. **Same** reported that the Messenger of Allah said: The likeness of a fighter in the way of Allah is like the likeness of one who fasts, stands up in (prayer) and obeys the verses of Allah without any break of fast and prayer till the fighter returns to the way of Allah. —*Agreed.*

عنه قال قال رسول الله صلعم مثل المجاهد في سبيل الله كمثل الصائم القائم القانت بآيات الله لا يفتر من صيام ولا صلوة حتى يرجع المجاهد في سبيل الله *

(متفق عليه)

999. Here there is mention of prayer, fasting and belief and not the two other pillars of Islam-pilgrimage and Zakat. The reason is that the latter two are the duties only upon the rich who can afford to pay while the former three are common to all. As all mankind have been addressed here, the two subjects have been omitted. This was uttered on the day of the Conquest of Mecca.

3. **Same** reported that the Holy Prophet said: Allah responds to one who comes out to fight in His way. Nothing takes him out but faith in Me and attestation to the truth of My Prophets, so that I may send him back with reward he gets or booty, or I may admit him in Paradise. —*Agreed.*

عنه قال قال رسول الله صلعم انتدب الله لمن خرج في سبيله لا يخرجه الا ايمان بي وتصديق برسلي ان ارجعه بما نال من اجر او غنيمة او ادخله الجنة * (متفق عليه)

4. **Same** reported that the Holy Prophet said: By One in whose Hand there is my life, had not some of the believers taken pleasure to themselves to remain behind me, and had I not found wherewith I would have thought it proper to attack them, I would not have remained behind from my army who fight in the way of Allah. By Him in whose hand there is my life, how much do I like that I should be martyred in the way of Allah and then be brought back to life, and then be martyred and then be brought back to life, and then be martyred and then be brought back to life, and then be martyred. —*Agreed.*

عنه قال قال رسول الله صلعم والذي نفسي بيده لولا ان رجالا من المؤمنين لا تطيب انفسهم ان يتخلفوا عني ولا اجد ما احملهم عليه ما تخلفت عن سرية تغزو في سبيل الله والذي نفسي بيده لوددت ان اقتل في سبيل الله ثم احيى ثم اقتل ثم احيى ثم اقتل ثم احيى ثم اقتل * (متفق عليه)

5. **Sahl-b-Sa'ad** reported that the Messenger of Allah said: Guarding for a day in the way of Allah is better than the world and what is therein. —*Agreed.*

عن سهل بن سعد قال قال رسول الله صلعم رباط يوم في سبيل الله خير من الدنيا وما عليها * (متفق عليه)

6. **Anas** reported that the Messenger of Allah said: To go

عن انس قال قال رسول الله صلعم

out at morn in the way of Allah or to go out at dusk is better than the world and what is therein. —*Agreed.*

لغدوة في سبيل الله او روحة خير من الدنيا وما فيها * (متفق عليه)

7. **Salman**, the Persian, reported: I heard the Messenger of Allah say: Guarding for a day and a night in the way[1000] of Allah is better than fasting for a month and praying it. If he dies, his action which he used to do would continue (to be rewarded) for him and he will be rewarded with sustenance and he will be safe from mischief-makers. —*Muslim.*

عن سلمان الفارسي قال سمعت رسول الله صلعم يقول رباط يوم وليلة في سبيل الله خير من صيام شهر وقيامه وان مات جرى عليه عمله الذي كان يعمل واجري عليه رزقه وامن الفتان * (مسلم)

8. **Abi Abs** reported that the Messenger of Allah said: No feet of a servant are covered with dust in the way of Allah to catch the fire. —*Bukhari.*

عن ابي عبس قال قال رسول الله صلعم ما اغبرت قدما عبد في سبيل الله فتمسه النار * (البخاري)

9. **Abu Hurairah** reported that the Messenger of Allah said: An infidel and his murderer will never unite in the fire. —*Muslim.*

عن ابي هريرة ان رسول الله صلعم قال لا يجتمع كافر وقاتله في النار ابدا (مسلم)

10. **Same** reported that the Ms. of Allah said: Of the best livelihoods of men, there is (that of) a man who holds the rein of his horse towards the way of Allah running over its back; whenever he hears an alarming noise or hue and cry, he quickly runs over it seeking fight and his thought

عنه قال قال رسول الله صلعم من خير معاش الناس لهم رجل ممسك عنان فرسه في سبيل الله يطير على متنه كلما سمع هيعة او فزعة طار عليه يبتغي القتل والموت مظانه او رجل في

1000. This means that guarding in Jihad is better than optional prayers and fasting for one month. His actions in the world will continue to bring rewards even after death violating the general rule that actions cease to bring rewards in case of death.

is death; or (that of) a man with flock on the top of a hill out of these hills or in a valley out of these valleys, keeping up prayer and paying poor-rate and worshipping his Lord, till death comes to him. He is not among men except in the midst of good. —*Muslim.*

غُنَيْمَةٍ فِي رَأْسِ شَعَفَةٍ مِنْ هٰذِهِ الشَّعَفِ أَوْ بَطْنِ وَادٍ مِنْ هٰذِهِ الْأَوْدِيَةِ يُقِيمُ الصَّلٰوةَ وَيُؤْتِي الزَّكٰوةَ وَيَعْبُدُ رَبَّهُ حَتّٰى يَأْتِيَهُ الْيَقِينُ لَيْسَ مِنَ النَّاسِ إِلَّا فِي خَيْرٍ ۔

(مُسْلِمٌ)

11. **Zaid b-Khalid** reported that the Messenger of Allah said: Whoso supplied a warrior with arms in the way of Allah has fought indeed a holy fight; and whoso kept behind a warrior in charge of his family has fought indeed a holy fight. —*Agreed.*

عَنْ زَيْدِ بْنِ خَالِدٍ أَنَّ رَسُولَ اللهِ صلعم قَالَ مَنْ جَهَّزَ غَازِيًا فِي سَبِيلِ اللهِ فَقَدْ غَزَا وَمَنْ خَلَفَ غَازِيًا فِي أَهْلِهِ فَقَدْ غَزَا ۔

(مُتَّفَقٌ عَلَيْهِ)

12. **Boraidah** reported that the Messenger of Allah said: The sanctity of the wives of the fighters over those who remain behind is as the sanctity of their mothers; and there is none among those who keep behind who remains behind a man among the fighters in charge of his family and then commits treachery with him regarding them but will be kept waiting on the Resurrection Day, and his actions will be taken off from him as much as he pleases. What is then your surmise?[1001] —*Muslim.*

عَنْ بُرَيْدَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم حُرْمَةُ نِسَاءِ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ كَحُرْمَةِ أُمَّهَاتِهِمْ وَمَا مِنْ رَجُلٍ مِنَ الْقَاعِدِينَ يَخْلُفُ رَجُلًا مِنَ الْمُجَاهِدِينَ فِي أَهْلِهِ فَيَخُونُهُ فِيهِمْ إِلَّا وُقِفَ لَهُ يَوْمَ الْقِيٰمَةِ فَيَأْخُذُ مِنْ عَمَلِهِ مَا شَاءَ فَمَا ظَنُّكُمْ ۔

(مُسْلِمٌ)

1001. The men who remain behind in charge of the fighter's family in the way of Allah shall look to the female inmates with the honour due to mothers and shall not commit any treachery with them. If he does, his actions will be given to the fighters on the Resurrection Day. What is then your surmise means that he will take every good action from the man who commits treachery.

13. **Abu Mas'ud al-Ansari** reported that a man came with a she-camel tied through the nose. He said : This is in the way of Allah. The Holy Prophet said : There will be for you in exchange of it on the Resurrection Day 700 she-camels, each of them tied up through the nose. —*Muslim.*

عن ابي مسعود الانصاري قال جاء رجل بناقة مخطومة فقال هذه في سبيل الله فقال رسول الله صلعم لك بها يوم القيمة سبعمائة ناقة كلها مخطومة ـ (مسلم)

14. **Abu Sayeed** reported that the Holy Prophet sent an army to Banu Lihyan of Huzail tribe. He said : Let one of every two men be sent, and reward will be (the same) between the two. —*Muslim.*

عن ابي سعيد ان رسول الله صلعم بعث بعثا الى بني لحيان من هذيل فقال لينبعث من كل رجلين احدهما و الاجر بينهما ـ (مسلم)

15. **Jaber-b Samorah** reported that the Messenger of Allah said : This religion will never cease to prosper. A party of the Muslims will always fight for it till the Hour comes to pass. —*Muslim.*

عن جابر بن سمرة قال قال رسول الله صلعم لن يبرح هذا الدين قائما يقاتل عليه عصابة من المسلمين حتى تقوم الساعة ـ (مسلم)

16. **Abu Hurairah** reported that the Messenger of Allah said : None is wounded in the way of Allah (and Allah knows who receives wound in His way) except that he will come on the Resurrection Day while his wound will be pouring out blood, colour of which is the colour of blood, and fragrance is the fragrance of musk. —*Agreed.*

عن ابي هريرة قال قال رسول الله صلعم لا يكلم احد في سبيل الله و الله اعلم بمن يكلم في سبيله الا جاء يوم القيمة و جرحه يثعب دما اللون لون الدم والريح ريح المسك ـ (متفق عليه)

17. **Anas** reported that the Messenger of Allah said : There will be none entering Paradise who will like to come back to this

عن انس قال قال رسول الله صلعم ما من احد يدخل الجنة يحب ان يرجع

world and to have what is in the earth except a martyr. He will wish to return to the world and then be martyred ten times on account of the honour he will meet with.

—*Agreed.*

إلى الدنيا وله ما في الأرض من شيء
إلا الشهيد يتمنى أن يرجع إلى الدنيا
فيقتل عشر مرات لما يرى من الكرامة *
(متفق عليه)

18. **Masruq** reported: We asked Abdullah-b-Mas'ud about this verse: And don't think of those that are killed in the way of Allah as dead, but (they are) alive to their Lord. They are given provision—the verse.[1002] He said: We enquired of that to the Ms. of Allah. He said: Their souls are in the bellys of green birds. They have lights suspended from the Throne. They stroll in Paradise wherever they like, and then they take shelter to those lights. Their Lord will come suddenly to them and ask: Do you desire anything? They will say: What thing shall we wish for while we stroll in Paradise wherever we wish? This He will do with them thrice. When they will see that they will not be let off without their reply. They will say: O Lord! we wish that Thou shouldst return our souls to our body till we should be martyred in Thy way for another time. When He will see that

عن مسروق قال سألنا عبد الله بن
مسعود عن هذه الآية ولا تحسبن الذين
قتلوا في سبيل الله أمواتا بل أحياء عند
ربهم يرزقون الآية قال إنا قد سألنا عن
ذلك رسول الله صلعم فقال أرواحهم في
أجواف طير خضر لها قناديل معلقة
بالعرش تسرح من الجنة حيث شاءت
ثم تأوي إلى تلك القناديل فاطلع إليهم
ربهم اطلاعة فقال هل تشتهون شيئا قالوا
أي شيء نشتهي ونحن نسرح من الجنة
حيث شئنا ففعل ذلك بهم ثلث مرات
فلما رأوا أنهم لن يتركوا من أن يسألوا
قالوا يا رب نريد أن ترد أرواحنا في
أجسادنا حتى نقتل في سبيلك مرة أخرى

1002. 3:169Q.

they will not require anything, they will be left alone. 1003

—*Muslim.*

19. **Abu Qatadah** reported that the Ms. of Allah stood among them and narrated to them that Jihad in the way of Allah and belief in Allah are the best of actions. A man stood and asked: O Ms. of Allah! inform me that if I be killed in the way of Allah, my faults will whether be atoned for. The Holy Prophet replied to him: Yes, provided you are killed in the way of Allah, while you are patient, hopeful of reward, advancing forward without retracing back. Then the Prophet asked: How have you said? He enquired: Inform me that if I be killed in the way of Allah, will it atone for my sins? 'Yes', said the Prophet, 'provided you are patient, hopeful of reward, advancing forward without retracing back except debt, because Gabriel told me that. 1004

Muslim.

فلما رأى أن ليس لهم حاجة تركوا *

(مسلم)

عن أبي قتادة أن رسول الله صلعم
قام فيهم فذكر لهم أن الجهاد في سبيل
الله والإيمان بالله أفضل الأعمال فقام رجل
فقال يا رسول الله أرأيت إن قتلت
في سبيل الله يكفر عني خطاياي فقال
له رسول الله صلعم نعم إن قتلت في
سبيل الله وأنت صابر محتسب مقبل
غير مدبر ثم قال رسول الله صلعم كيف
قلت فقال أرأيت إن قتلت في سبيل الله
أيكفر عني خطاياي فقال رسول الله صلعم
نعم وأنت صابر محتسب مقبل غير مدبر
إلا الدين فإن جبرئيل قال لي ذلك *

(مسلم)

1003. The preservation of souls in the bellys of birds is just like preservation of valuable ornaments in iron safe. They are kept out of great attachment in safe custody. So also the souls are preserved for special rewards on the Resurrection Day. These souls will be given provision of spiritual foods supplied by the sight of the Lord in Paradise.

1004. This shows that subsequently Gabriel instilled in his mind to say about exception of 'Dain' which means all dues of man including the violations of the rights of men. See note 892.

20. **Abdullah-b-Amr** reported that the Holy Prophet said: Fighting in the way of Allah atones for everything except debt. —*Muslim.*

عن عبد الله بن عمرو ان النبي صلعم قال القتل في سبيل الله يكفر كل شيء الا الدين * (مسلم)

21. **Abu Hurairah** reported that the Messenger of Allah said; Allah will rejoice with two persons, one of whom kills another, both entering Paradise, one fights in the way of Allah (with another) and is then killed. Then Allah forgives the killer and witnesses his martyrdom.[1005] —*Agreed.*

عن ابي هريرة قال قال رسول الله صلعم يضحك الله تعالى الى رجلين يقتل احدهما الاخر يدخلان الجنة يقاتل هذا في سبيل الله فيقتل ثم يتوب الله على القاتل فيستشهد * (متفق عليه)

22. **Sahl-b-Hunaif** reported that the Holy Prophet said: Whoever prays to Allah for martyrdom with sincerity, Allah will take him to the abodes of the martyrs, though he dies upon his bed.[1006] —*Muslim.*

عن سهل بن حنيف قال قال رسول الله صلعم من سأل الله الشهادة بصدق بلغه الله منازل الشهداء وان مات على فراشه * (مسلم)

23. **Anas** reported that Rubayyet-b-Bara'a (and she was the mother of Haresah-b-Solaqah) came to the Holy Prophet and asked: O Prophet of Allah! will you not inform me about Haresah who was killed in the battle of Badr? A strange shot wounded him. If he is in Paradise, I keep patience; and if he is otherwise, I shall exert hard in weeping for

عن انس ان الربيع بنت البراء وهي ام حارثة بن سلاقة اتت النبي صلعم فقالت يا نبي الله الا تحدثني عن حارثة وكان قتل يوم بدر اصابه سهم غرب فان كان في الجنة صبرت وان كان غير ذلك اجتهدت عليه في البكاء فقال

1005. One of the two is a Muslim who fights with an unbeliever and is then martyred. The unbeliever again accepts Islam and therefore his past sins are forgiven. He then joines the fight and is martyred. Both will enter Paradise.

1006. This shows that an iron will for martyrdom and seeking opportunities therefore carry rewards equal to martyrdom.

him. He said : O mother of Haresah ! there are some gardens in Paradise, and verily your son got the highest Ferdous. —*Bukhari*.

يَا أُمَّ حَارِثَةَ إِنَّهَا جِنَانٌ فِي الْجَنَّةِ وَإِنَّ ابْنَكِ أَصَابَ الْفِرْدَوْسَ الْأَعْلَى * (الْبُخَارِيُّ)

24. Same reported that the Messenger of Allah and his companions marched on till they came to Badr ahead of the polytheists, and the polytheists also came forward. The Holy Prophet said : Stand towards Paradise whose area is what is between the heavens and earth. Omair-b-Humam exclaimed : Ha ! Ha ! Prophet asked : What has led you to your exclaiming : Ha ! Ha ! He said : Nothing, by Allah, O Messenger of Allah, except the hope that I should be one of its inmates. He said : You are certainly then one of its inmates. He said that he took out some dates from his bucket and began to eat therefrom and then said : If I be alive till I eat my dates, that will be a long life. Then he threw off the dates that remained with him, and then fought with them till he was martyred.[1007] —*Muslim*.

عَنْهُ قَالَ انْطَلَقَ رَسُولُ اللهِ صلعم وَأَصْحَابُهُ حَتَّى سَبَقُوا الْمُشْرِكِينَ إِلَى بَدْرٍ وَجَاءَ الْمُشْرِكُونَ فَقَالَ رَسُولُ اللهِ صلعم قُومُوا إِلَى جَنَّةٍ عَرْضُهَا السَّمٰوَاتُ وَالْأَرْضُ قَالَ عُمَيْرُ بْنُ الْحُمَامِ بَخٍ بَخٍ فَقَالَ رَسُولُ اللهِ صلعم مَا يَحْمِلُكَ عَلَى قَوْلِكَ بَخٍ بَخٍ قَالَ لَا وَاللهِ يَا رَسُولَ اللهِ إِلَّا رَجَاءَ أَنْ أَكُونَ مِنْ أَهْلِهَا قَالَ فَإِنَّكَ مِنْ أَهْلِهَا قَالَ فَأَخْرَجَ تَمَرَاتٍ مِنْ قَرَنِهِ فَجَعَلَ يَأْكُلُ مِنْهُنَّ ثُمَّ قَالَ لَئِنْ أَنَا حَيِيتُ حَتَّى آكُلَ تَمَرَاتِي إِنَّهَا لَحَيٰوةٌ طَوِيلَةٌ قَالَ فَرَمَى بِمَا كَانَ مَعَهُ مِنَ التَّمْرِ ثُمَّ قَاتَلَهُمْ حَتَّى قُتِلَ - (مُسْلِمٌ)

25. Abu Hurairah reported that the Messenger of Allah

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ

1007. Such was the hold of the Holy Prophet as commander-in-chief of his faithful army, such a hold which none in the world in the past had shown and which none will be able to show in the future. The Muslims are cock-sure in either of the two alternatives : if they are killed, they will enter Paradise, and if they are victorious, they will gain vast wealth and rewards. This was the highest motive with the then Muslims.

asked : Whom do you count as a martyr among you ? They replied ; O Messenger of Allah ! whoso is killed in the way of Allah is a martyr. He remarked; Verily the martyrs of my followers are then certainly few. Whoso is killed in the way of Allah is a martyr ; whoso dies in the way of Allah is a martyr, whoso dies of plague is a martyr, and whoso dies of bowel complaints is a martyr. —*Muslim.*

صلعم ما تعدون الشهيد فيكم قالوا يا رسول الله من قتل في سبيل الله فهو شهيد قال ان شهداء امتي اذا لقليل من قتل في سبيل الله فهو شهيد ومن مات في سبيل الله فهو شهيد ومن مات في الطاعون فهو شهيد ومن مات في البطن فهو شهيد * (مسلم)

26. **Abdullah-b-Amr** reported that the Messenger of Allah said : There is no band or battalion of an army who fight, earn booty and then return safe except that they hasten to two-thirds of their rewards ; and there is no band or battalion of an army who are pierced and wounded except that their rewards become complete. 1008

عن عبد الله بن عمرو قال قال رسول الله صلعم ما من غازية او سرية تغزوا فتغنم وتسلم الا كانوا قد تعجلوا ثلثي اجورهم وما من غازية او سرية تخفق وتصاب الا تم اجورهم * (مسلم)

27. **Abu Hurairah** reported that the Massenger of Allah said : Whoso dies without fighting (holy war) and without consulting himself about it dies on a branch of hypocrisy. 1009 —*Muslim.*

عن ابي هريرة قال قال رسول الله صلعم من مات ولم يغز ولم يحدث به نفسه مات على شعبة من نفاق - (مسلم)

1008. This means that those who return with booty and safety without any injury have got already double rewards and will get the remaining ⅓rd reward on the Resurrection Day. On the other hand, those that are either killed or receive injurious wounds without any booty will get their full rewards on the Resurrection Day.

1009. Those who die without Jihad and at least with no intention of Jihad may have resemblance with the hypocrites. The next hadis also shows that merits in fights rest only on pure niyyat.

28. **Abu Musa** reported that a man came to the Messenger of Allah and enquired: A man fights for booty, a man fights for fame, and a man fights that his position may be known—who then (fights) in the way of Allah? He said: Whoso fights to raise highest thereby the word of Allah, is in the way of Allah. —*Agreed.*

عَنْ أَبِي مُوسَى قَالَ جَاءَ رَجُلٌ إِلَى النَّبِيِّ صلعم فَقَالَ الرَّجُلُ يُقَاتِلُ لِلْمَغْنَمِ وَالرَّجُلُ يُقَاتِلُ لِلذِّكْرِ وَالرَّجُلُ يُقَاتِلُ لِيُرَى مَكَانُهُ فَمَنْ فِي سَبِيلِ اللهِ قَالَ مَنْ قَاتَلَ لِتَكُونَ كَلِمَةُ اللهِ هِيَ الْعُلْيَا فَهُوَ فِي سَبِيلِ اللهِ * (مُتَّفَقٌ عَلَيْهِ)

29. **Abdullah-b-Amr** reported that a man came to the Prophet and asked his permission to join the Jihad. He asked: Are your parents alive? 'Yes' said he. He said: Then make Jihad for them.[1010] *Agreed upon it. And in a narration*: Return then to your parents, and make good your company with them.

عَنْ عَبْدِ اللهِ بْنِ عَمْرٍو قَالَ جَاءَ رَجُلٌ إِلَى رَسُولِ اللهِ صلعم فَاسْتَأْذَنَهُ فِي الْجِهَادِ فَقَالَ أَحَيٌّ وَالِدَاكَ قَالَ نَعَمْ قَالَ فَفِيهِمَا فَجَاهِدْ مُتَّفَقٌ عَلَيْهِ وَفِي رِوَايَةٍ فَارْجِعْ إِلَى وَالِدَيْكَ فَأَحْسِنْ صُحْبَتَهُمَا *

30. **Ibn Abbas** reported from the Holy Prophet who said on the Day of Victory: There is no hijrat after victory except Jihad and motive, and when they seek to flee away, then flee away. —*Agreed.*

عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ صلعم قَالَ يَوْمَ الْفَتْحِ لَا هِجْرَةَ بَعْدَ الْفَتْحِ وَلٰكِنْ جِهَادٌ وَنِيَّةٌ وَإِذَا اسْتُنْفِرْتُمْ فَانْفِرُوا * (مُتَّفَقٌ عَلَيْهِ)

31. **Imran-b-Hussain** reported that the Messenger of Allah said: A party of my companions will not cease to fight for truth gaining victor over those who

عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ قَالَ رَسُولُ اللهِ صلعم لَا تَزَالُ طَائِفَةٌ مِنْ أُمَّتِي يُقَاتِلُونَ عَلَى الْحَقِّ ظَاهِرِينَ عَلَى مَنْ

1010. Jihad is optional on a man, but duty to parents is binding. Therefore the latter should be preferred than the former. If however any binding thing such as prayer and fasting is forbidden by parents, they should not be listened to. See note 69.

oppose them, till the last of them kills Anti-Christ.[1011] —*Abu Daud.*

خالفهم حتى يقاتل آخرهم المسيح الدجال (ابوداود)

32. **Abu Omamah** reported from the Holy Prophet who said: Whoso fights no jihad, nor does he supply arms to a warrior, nor does he keep behind a warrior in charge of his family with fairness, Allah will afflict him with a calamity before the Resurrection Day. —*Abu Daud.*

عن ابي امامة عن النبي صلعم قال من لم يغز ولم يجهز غازيا او يخلف غازيا في اهله بخير اصابه الله بقارعة قبل يوم القيمة * (ابوداود)

33. **Anas** reported from the Holy Prophet who said: Fight against the polytheists with your properties, your lives and your tongues. —*Abu Daud, Nisai, Darimi.*

عن انس عن النبي صلعم قال جاهدوا المشركين باموالكم وانفسكم والسنتكم (ابوداود والنسائي والدارمي)

34. **Abu Hurairah** reported that the Messenger of Allah said: Spread peace, give food and strike hoofs (of polytheists), you will then inherit the gardens. —*Tirmizi (Rare).*

عن ابي هريرة قال قال رسول الله صلعم افشوا السلام واطعموا الطعام واضربوا الهام تورثوا الجنان * الترمذي (غريب)

35. **Fuzalah-b-Obaid** reported from the Messenger of Allah who said: A seal is put over the actions of every dead man except (over those of) one who dies guarding in the way of Allah, and verily his actions will increase for him up to the Resurrection Day, and he is safe from the punishments of the grave. —*Tirmizi, Abu Daud.*

عن فضالة ابن عبيد عن رسول الله صلعم قال كل ميت يختم على عمله الا الذي مات مرابطا في سبيل الله فانه ينمى له عمله الى يوم القيمة ويامن من فتنة القبر * (الترمذي وابوداود)

36. **Mu'az-b-Jabal** reported that he heard the Messenger of

عن معاذ بن جبل انه سمع رسول الله

1011. Anti-Christ will be killed by Jesus Christ.

Allah say: Whoso fights in the way of Allah for even an interval of a camel's milkings,[1012] Paradise becomes sure for him, and whoso is injured with an wound in the way of Allah, or is affected with a mishap, it will come on the Resurrection Day mostly like what it was, its colour will be like saffron and fragrance like musk, and whoso has got a boil in the way of Allah, verily there is the seal of the martyrs over it. —*Tirmizi, Abu Daud, Nisai.*

صلعم يقول من قاتل في سبيل الله فواق ناقة فقد وجبت له الجنة ومن جرح جرحا في سبيل الله او نكب نكبة فانها تجيء يوم القيمة كاغزر ما كانت لونها الزعفران وريحها المسك ومن خرج به خراج في سبيل الله فان عليه طابع الشهداء

(الترمذي وابوداود والنسائي)

37. **Khuzaim-b-Fatek** reported that the Prophet said: Whoso incurs an expenditure in the way of Allah, there is written for him (rewards) 700 times. —*Tirmizi, Nisai.*

عن خريم بن فاتك قال قال رسول الله صلعم من انفق نفقة في سبيل الله كتب له بسبع مائة ضعف *

(الترمذي والنسائي)

38. **Abu Omamah** reported that the Ms. of Allah said: The best of charities is the shade of a tent in way of Allah, wages of a servant in the way of Allah, or galloping of a mare in the way of Allah.[1013] —*Trimizi.*

عن ابي امامة قال قال رسول الله صلعم افضل الصدقات ظل فسطاط في سبيل الله ومنحة خادم في سبيل الله او طروقة فحل في سبيل الله - (الترمذي)

39. **Abu Hurairah** reported that one of the companions of the Holy Prophet passed through an opening of a hill wherein there was a fountain of sweet water. It pleased him and he said: Would that I

عن ابي هريرة قال مر رجل من اصحاب رسول الله صلعم بشعب فيه عيينة من ماء عذبة فاعجبته فقال لو اعتزلت

1012. FUWAQ means an interval between two milkings of a camel at the same time. It therefore implies a very short time.

1013. In other words, charity of the shade of a tent, or of a tent to a Gazi or religious

should have retired from men and settled in this opening of the hill. It was narrated to the Prophet. He said: Do (it) not, because the rank of any of you in the way of Allah is better than his prayer for 70 years in his house.[1014] Don't you like that Allah should forgive you and admit you in heaven? Fight in the way of Allah. Whoso fights in the way of Allah even for an interval between two milkings of a she-camel, Paradise is sure for him. —*Tirmizi.*

الناس فاقمت في هذا الشعب فذكر ذلك لرسول الله صلعم فقال لا تفعل فان مقام احدكم في سبيل الله افضل من صلاته في بيته سبعين عاما الا تحبون ان يغفر الله لكم ويدخلكم الجنة اغزوا في سبيل الله من قاتل في سبيل الله فواق ناقة وجبت له الجنة. (الترمذي)

40. **Osman** reported from the Messenger of Allah who said: Guarding for one day in the way of Allah is better in rank than one thousand days of what is besides it.

—*Tirmizi, Nisai.*

عن عثمان عن رسول الله صلعم قال رباط يوم في سبيل الله خير من الف يوم فيما سواه من المنازل *

(الترمذي و النسائي)

41. **Abu Hurairah** reported that the Messenger of Allah said: The first three persons entering Paradise were presented to me: A martyr, and a self-denying man abstaining from begging, and a slave who does good divine service and wishes the welfare of his masters. —*Tirmizi.*

عن ابي هريرة ان رسول الله صلعم قال عرض علي اول ثلثة يدخلون الجنة شهيد و عفيف متعفف و عبد احسن عبادة الله و نصح لمواليه * (الترمذي)

42. **Abu Hurairah** reported: Whoso meets Allah without any

عن ابي هريرة قال قال رسول الله

warrior, or help to a religious warrior engaged in labour in the way of Allah, or gift of a fast-running horse to such a warrior is best.

1014. Here prayer means optional prayer. The word '70' signifies a great number in the Arabic tongue. This was pronounced when the combined forces of the enemies were out in war to crush the infant Islam in its cradle.

wound of Jihad, meets Allah with defect in him.

—*Tirmizi, Ibn Majah.*

صلعم مَنْ لَقِيَ اللّٰهَ بِغَيْرِ اَثَرٍ مِنْ جِهَادٍ
لَقِيَ اللّٰهَ وَفِيهِ ثُلْمَةٌ *

(اَلتِّرْمِذِيُّ وَابْنُ مَاجَةَ)

43. **Abdullah-b-Hubshi** reported that the Prophet was asked: Which of the actions is best? He said: Prolonged standing (in prayer). He was questioned: Which charity is best? He said: Strivings of a man of small means. He was questioned: Which migration is best? He said: He who flees away from what Allah has prohibited for him. He was questioned: Which Jihad is best? He said: He who fights with the polytheists with his property and his life. He was questioned: Which murder is the most honourable? He said: (The murder of) one whose blood is shed and whose best horse is sacrificed. *Abu Daud narrated it. And in a narration of Nisai:* The Holy Prophet was asked: Which of the actions is best? He said: Faith wherein there is no doubt, and Jihad wherein there is no treachery, and pilgrimage sincerely undertaken. He was questioned: Which prayer is best? He said: Prolonging prostration. *Afterwards the both agreed regarding the remainder.* 1015

عَنْ عَبْدِ اللّٰهِ بْنِ حُبْشِيٍّ اَنَّ النَّبِيَّ
صلعم سُئِلَ اَيُّ الْاَعْمَالِ اَفْضَلُ قَالَ طُولُ
الْقِيَامِ قِيلَ فَاَيُّ الصَّدَقَةِ اَفْضَلُ قَالَ
جُهْدُ الْمُقِلِّ قِيلَ فَاَيُّ الْهِجْرَةِ اَفْضَلُ قَالَ
مَنْ هَجَرَ مَا حَرَّمَ اللّٰهُ عَلَيْهِ قِيلَ فَاَيُّ
الْجِهَادِ اَفْضَلُ قَالَ مَنْ جَاهَدَ الْمُشْرِكِينَ
بِمَالِهِ وَنَفْسِهِ قِيلَ فَاَيُّ الْقَتْلِ اَشْرَفُ قَالَ
مَنْ اُهْرِيقَ دَمُهُ وَعُقِرَ جَوَادُهُ رَوَاهُ اَبُودَاوُدَ
وَفِي رِوَايَةِ النَّسَائِيِّ اَنَّ النَّبِيَّ صلعم
سُئِلَ اَيُّ الْاَعْمَالِ اَفْضَلُ قَالَ اِيمَانٌ
لَا شَكَّ فِيهِ وَجِهَادٌ لَا غُلُولَ فِيهِ وَحَجَّةٌ
مَبْرُورَةٌ قِيلَ فَاَيُّ الصَّلٰوةِ اَفْضَلُ قَالَ طُولُ
الْقُنُوتِ ثُمَّ اتَّفَقَا فِي الْبَاقِي *

1015. The best things as said by the Prophet are many. This discrepancy has been reconciled. The Prophet spoke about a thing and laid stress on it according to times and

44. **Meqdam-b-Ma'ad-i-Kareb** reported that the Messenger of Allah said: There are six virtues of a martyr near Allah. At the first instance he is forgiven, he is shown his place in Paradise, he is protected from punishment of the grave, he is kept safe from the great catastrophe, a crown of glory is put upon his head, one jewel of which is better than the world and what is therein, he will be married to seventy-two wives of black-eyed virgins, and he will be given permission to make intercession for seventy of his relations. —*Tirmizi, Ibn Majah.*

عَنِ الْمِقْدَامِ بْنِ مَعْدِيْكَرِبَ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم لِلشَّهِيْدِ عِنْدَ اللّٰهِ سِتُّ خِصَالٍ يُغْفَرُ لَهُ فِي اَوَّلِ دَفْعَةٍ وَيُرَى مَقْعَدَهُ مِنَ الْجَنَّةِ وَيُجَارُ مِنْ عَذَابِ الْقَبْرِ وَيَأْمَنُ مِنَ الْفَزَعِ الْاَكْبَرِ وَيُوضَعُ عَلَى رَأْسِهِ تَاجُ الْوَقَارِ الْيَاقُوتَةُ مِنْهَا خَيْرٌ مِنَ الدُّنْيَا وَمَا فِيْهَا وَيُزَوَّجُ ثِنْتَيْنِ وَسَبْعِيْنَ زَوْجَةً مِنَ الْحُوْرِ الْعِيْنِ وَيُشَفَّعُ فِي سَبْعِيْنَ مِنْ اَقْرِبَائِهِ * (التِّرْمِذِيُّ وَابْنُ مَاجَةَ)

45. **Same** reported that the Messenger of Allah said: A martyr will not feel the pangs of murder except as one of you feels pangs of a sting. —*Nisai, Tirmizi: Approved, Rare).*

عَنْهُ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم الشَّهِيْدُ لَا يَجِدُ اَلَمَ الْقَتْلِ اِلَّا كَمَا يَجِدُ اَحَدُكُمْ اَلَمَ الْقَرْصَةِ *

(النَّسَائِيُّ وَالتِّرْمِذِيُّ (حَسَنٌ غَرِيْبٌ)

46. **Abdullah b-Amr** reported that the Holy Prophet said: Don't embark on sea unless as a pilgrim, or a Muhrim, or a Gazi in the way of Allah, because under the sea there is fire, and under the fire there is sea. —*Abu Daud.*

عَنْ عَبْدِ اللّٰهِ بْنِ عَمْرٍو قَالَ قَالَ رَسُولُ اللّٰهِ صلعم لَا تَرْكَبِ الْبَحْرَ اِلَّا حَاجًّا اَوْ مُعْتَمِرًا اَوْ غَازِيًا فِي سَبِيْلِ اللّٰهِ فَاِنَّ تَحْتَ الْبَحْرِ نَارًا وَتَحْتَ النَّارِ بَحْرًا * (ابوداود)

47. **Omme-Haram** reported from the Prophet who said: The sojourner in the sea whom vomitting afflicts has got the

عَنْ اُمِّ حَرَامٍ عَنِ النَّبِيِّ صلعم قَالَ الْمَائِدُ فِي الْبَحْرِ الَّذِي يُصِيْبُهُ الْقَيْءُ لَهُ

circumstances and according to temperaments of men. A miser was told that charity is best, a spendthrift was told that economy is best and so on. See note 46.

reward of a martyr, and a drowned man has got the reward of two martyrs. —*Abu Daud.*

اجر شهيد و الغريق له اجر شهيدين *

(ابو داود)

48. **Abu Malek al-Ash'ari** reported: I heard the Messenger of Allah say: Whoso goes out in the way of Allah and then dies or is killed, or his horse or his camel tramples him to death, or a serpent bites him, or he dies upon his bed of whatever calamity Allah wishes, he is a martyr and there is certainly Paradise for him. —*Abu Daud.*

عن ابي مالك الاشعري قال سمعت رسول الله صلعم يقول من فصل في سبيل الله فمات او قتل او وقصه فرسه او بعيره او لدغته هامة او مات على فراشه باي حتف شاء الله فانه شهيد و ان له الجنة .

(ابو داود)

49. **Abdullah-b-Amr** reported that the Messenger of Allah said: To return home (from jihad) is like jihad.[1016] —*Abu Daud.*

عن عبد الله بن عمرو ان رسول الله صلعم قال قفلة كغزوة * (ابو داود)

50. **Same** reported that the Ms. of Allah said: For a Gazi, there is his reward; and for one who gives property to a Gazi, there is his reward and the reward of a Gazi. —*Abu Daud.*

عنه قال قال رسول الله صلعم للغازي اجره و للجاعل اجره و اجر الغازي *

(ابو داود)

51. **Abu Ayyub** reported that he heard the Holy Prophet say: The cities will soon be conquered by you and there will soon be well-equipped army arrayed over you in which there will be several detachments. A man will become displeased with a detachment and will flee away from his people. Afterwards

عن ابي ايوب سمع النبي صلعم يقول ستفتح عليكم الامصار و ستكون جنود مجندة يقطع عليكم فيها بعوث فيكره الرجل البعث فيتخلص من قومه

1016 The act of returning to respective houses after Jihad is included within actual Jihad, and whatever reverse is met while thus returning is met with the rewards of Jihad.

he will search for other peoples. He will present himself to those of them who will take him in such army. Behold ! he will get reward up to the last drop of his blood.[1017]

ثم يلصقم القبائل بعرض نفسه عليهم من اكفيه بعث كذا الا و ذلك الاجير الى اخر قطرة من دمه * (ابوداود)

—*Abu Daud.*

52. **Ya'la-b-Umayyah** reported that the Holy Prophet gave permission to fight while I was extremely old and I had no servant. I sought for a labourer who would suffice me. I found a man whom I appointed for three dinars. When booty was acquired, I intended to be rewarded with his share. I came to the Prophet and narrated it to him. He said : I don't find in this fight of his in this world and in the next except only the dinars which have been fixed. —*Abu Daud.*

عن يعلى بن امية قال اذن رسول الله صلعم بالغزو و انا شيخ كبير ليس لي خادم فالتمست اجيرا يكفيني فوجدت رجلا سميت له ثلثة دنانير فلما حضرت غنيمة اردت ان اجري له سهمه فجئت النبي صلعم فذكرت له فقال ما اجد له في غزوته هذه في الدنيا و الاخرة دنانيره التي تسمى * (ابوداود)

53. **Abu Hurairah** reported that a man asked : O Ms. of Allah ! a man intends to fight in the way of Allah and seeks the vain goods of this world. The Holy Prophet said : There is no reward for him.

—*Abu Daud.*

عن ابي هريرة ان رجلا قال يا رسول الله رجل يريد الجهاد في سبيل الله و هو يبتغي عرضا من عرض الدنيا فقال النبي صلعم لا اجر له * (ابوداود)

1017. This is a prophecy from the Holy Prophet that within a few years the Muslims would conquer vast territories, and there would be standing armies who would be sent for war in cases of emergency. They would seek for remuneration and salary for themselves. If they received salary, they would not be martyrs as they would not receive the rewards of a martyr. See how that prophecy have been literally fulfilled, and how self-less were the martyrs in days of yore. The next hadis corroborates this view. This shows that everybody in Islam should be soldiers on a voluntary basis in order to have rewards of a martyr.

54. **Mu'az** reported that the Ms. of Allah said : Battle is of two kinds. As for (the battle of) one who seeks the pleasure of Allah, obeys the commander, spends the most valuable property, has easy dealings with cosharer and avoids dispute, everything, his sleep and his wakefulness, is a reward. As for one who fights for heroism, vanity and show and disobeys the commander and spreads dissension in the earth, he will surely not come back with full hand.[1018]

—*Malek, Abu Daud, Nisai.*

عن معاذ قال قال رسول الله صلعم الغزو غزوان فاما من ابتغى وجه الله واطاع الامام وانفق الكريمة وياسر الشريك واجتنب الفساد فان نومه ونبهه اجر كله واما من غزا فخرا ورياء وسمعة وعصى الامام وافسد في الارض فانه لم يرجع بالكفاف *

(مالك وابوداود والنسائي)

55. **Abdullah-b-Amr** reported that he asked : O Ms. of Allah ! inform me about Jihad. He said : O Abdullah-b-Amr ! if you fight patiently, hoping for reward, Allah will resurrect you as patient, hopeful of reward ; and if you fight for show and vanity, Allah will resurrect you with show and vanity. O Abdullah-b-Amr ! in whatever condition you will fight or be killed, Allah will resurrect you upon that condition.[1019] —*Abu Daud.*

عن عبد الله بن عمرو انه قال يا رسول الله اخبرني عن الجهاد فقال يا عبد الله بن عمرو ان قاتلت صابرا محتسبا بعثك الله صابرا محتسبا وان قاتلت مرائيا مكاثرا بعثك الله مرائيا مكاثرا يا عبد الله بن عمرو على اي حال قاتلت او قتلت بعثك الله على تلك الحال *

(ابوداود)

1018. Such a man, though he fights for Jihad, will not get full rewards in the sense that his sins will not be forgiven. There is the contrary case with one who fights with pure intention.

1019. He who fights for show and vanity and to increase wealth will become the object of show and ridicule in the next world. He will be shown to all people with his false show of vanity and pride. In order therefore to get full rewards of martyrdom, intention must be pure and disinterested attended with no personal name and gain.

56. **Abu Omamah** reported from the Holy Prophet who said: Nothing is dearer to Allah than two drops and two marks: One drop of tears out of fear of Allah, and one drop of blood shed in the way of Allah; and as for the two marks, one mark in the way of Allah, and another mark in (discharge of) an obligatory duty of the obligatory duties of the Almighty Allah.

—*Tirmizi (Approved, Rare).*

عَنْ أَبِي أُمَامَةَ عَنِ النَّبِيِّ صلعم قَالَ لَيْسَ شَيْءٌ أَحَبَّ إِلَى اللهِ مِنْ قَطْرَتَيْنِ وَأَثَرَيْنِ قَطْرَةُ دُمُوعٍ مِنْ خَشْيَةِ اللهِ وَقَطْرَةُ دَمٍ يُهْرَاقُ فِي سَبِيلِ اللهِ وَأَثَرٌ فِي فَرِيضَةٍ مِنْ فَرَائِضِ اللهِ تَعَالَى *

اَلتِّرْمِذِي (حَسَنٌ غَرِيبٌ)

57. **Oqbah-b-Malek** reported from the Messenger of Allah who said: Why do you fail, in case I send a man (as commander) who does not go to obey my command, to appoint one in his place who will go to obey my command? [1020] —*Abu Daud.*

عَنْ عُقْبَةَ بْنِ مَالِكٍ عَنِ النَّبِيِّ صلعم قَالَ أَعَجَزْتُمْ إِذَا بَعَثْتُ رَجُلًا فَلَمْ يَمْضِ لِأَمْرِي أَنْ تَجْعَلُوا مَكَانَهُ مَنْ يَمْضِي لِأَمْرِي * (أبوداود)

58. **Obadah-b-Swamet** reported that the Ms. of Allah said: Whoso fights in the way of Allah and does not wish but for a fetter, there is for him what he has intended. [1021] —*Nisai.*

عَنْ عُبَادَةَ بْنِ الصَّامِتِ قَالَ قَالَ رَسُولُ اللهِ صلعم مَنْ غَزَا فِي سَبِيلِ اللهِ وَلَمْ يَنْوِ إِلَّا عِقَالًا فَلَهُ مَا نَوَى . (النَّسَائِي)

59. **Abu Sayeed** reported that the Apostle of Allah said: Whoso is pleased with Allah as Lord and with Islam as religion

عَنْ أَبِي سَعِيدٍ أَنَّ رَسُولَ اللهِ صلعم قَالَ مَنْ رَضِيَ بِاللهِ رَبًّا وَبِالْإِسْلَامِ دِينًا

1020. Thus disobedience by any commander to obey the supreme command of a constituted authority or the rules of Shariat of Islam will deserve punishment in the form of dismissal.

1021. This is extreme view of Jihad with extreme intention of piety for joining Jihad. It is indicated here that Jihad should be undertaken for no insignificant object such as rope or fetter. It is, however, admitted by the jurists that the object of booty is not unlawful if attended with pious niyyat.

and with Muhammad as an apostle, Paradise becomes compulsory for him. Abu Sayeed was astonished at this and said: O Messenger of Allah! repeat it to me. So he repeated it to him. Afterwards he said: And there is another thing for which Allah raises up a servant to one hundred ranks in Paradise. The difference between every two ranks is as the difference between heaven and earth. He asked: O Apostle of Allah! what is it? He said: War in the way of Allah, war in the way of Allah, war in the way of Allah. —*Muslim.*

60. **Abu Musa** reported that the Messenger of Allah said: Verily the doors of Paradise are under the shades of swords. A man with worn-out appearance got up and said: O Abu Musa! have you heard the Ms. of Allah say this? 'Yes' said he. Then he went to his companions and said: I tender you greetings. Then he broke off the cover of his sword, threw it off and rushed with his sword towards the enemy. He fought therewith till he was killed. —*Muslim.*

61. **Ibn Abbas** reported that the Messenger of Allah said to his companions: When your brethren will be killed in the

بمحمد رسولا وجبت له الجنة فعجب لها أبو سعيد فقال أعدها علي يا رسول الله فأعادها عليه ثم قال وأخرى يرفع الله بها العبد مائة درجة في الجنة ما بين كل درجتين كما بين السماء والأرض قال وما هي يا رسول الله قال الجهاد في سبيل الله الجهاد في سبيل الله الجهاد في سبيل الله *

(مسلم)

عن أبي موسى قال قال رسول الله صلعم إن أبواب الجنة تحت ظلال السيوف فقام رجل رث الهيئة فقال يا أبا موسى أنت سمعت رسول الله صلعم يقول هذا قال نعم فرجع إلى أصحابه فقال أقرأ عليكم السلام ثم كسر جفن سيفه فألقاه ثم مشى بسيفه إلى العدو فضرب به حتى قتل *

(مسلم)

عن ابن عباس أن رسول الله صلعم قال لأصحابه إنه لما أصيب إخوانكم يوم

battle of Uhud, Allah will put their souls in the belly of a green bird which will frequent the rivers of Paradise eating its fruits and taking shelter of gold lamps hanging under the shade of the Throne. When they will find the fragrance of their etables, their drinks and their sleeping beds, they will exclaim: Who will convey message for us to our brethren that we are alive in Paradise, so that none will excite disinterest about Paradise and to participate in Jihad? Then the Almighty Allah will say. I shall convey to them on your behalf. So the Almighty Allah revealed: "And you must not consider these who are martyred in Allah's way as dead, but they are alive" up to the last verse. 1022 *Abu Daud.*

62. **Abdur Rahman-b-Abi Amirah** reported that the Ms. of Allah said: No Muslim soul which its Lord takes away will like to return to you and to have for it this world and what is therein except a martyr. Ibn Amirah said that the Holy Prophet had said: That I should be killed in the way of Allah

أحد جعل الله أرواحهم في جوف طير خضر
ترد أنهار الجنة تأكل من ثمارها و تأوي
إلى قناديل من ذهب معلقة في ظل
العرش فلما وجدوا طيب مأكلهم و
مشربهم و مقيلهم قالوا من يبلغ إخواننا
عنا أننا أحياء في الجنة لئلا
يزهدوا في الجنة ولا ينكلوا عن
الحرب فقال الله تعالى أنا أبلغهم عنكم
فأنزل الله تعالى ولا تحسبن الذين
قتلوا في سبيل الله أمواتا بل أحياء إلى
آخر الآية * (أبوداود)

عن عبد الرحمن بن أبي عميرة
أن رسول الله صلعم قال ما من نفس
مسلمة يقبضها ربها تحب أن ترجع
إليكم وأن لها الدنيا وما فيها غير
الشهيد قال ابن أبي عميرة قال رسول
الله صلعم لأن أقتل في سبيل الله أحب

1022. The remaining verse is the following:—nay, they are alive near their Lord being given sustenance, being pleased with what Allah gave them out of His Grace and rejoicing for those who (being left behind them) have not yet joined them, there is no fear for them, nor shall they grieve—(3:168Q).

is dearer to me than there should be for me the inhabitants of camps and buildings. [1023]

—*Nisai.*

أحب إلي من أن يكون لي أهل الوبر والمدر * (النسائي)

63. **Hasna'a-bn-Muwayiah** reported: My uncle informed me. He said: I asked the Prophet: Who is in Paradise? He replied: The Prophet is in Paradise, the martyr is in Paradise, the new born babe is in paradise, and the one buried alive is in Paradise.

—*Abu Daud.*

عن حسناء بنت معاوية قالت حدثنا عمي قال قلت للنبي صلعم من في الجنة قال النبي في الجنة والشهيد في الجنة والمولود في الجنة والوئيد في الجنة * (ابوداود)

64. **Ali**, Abu Darda'a, Abu Hurairah, Abu Omamah, Abdullah-b-Umar, Jaber-b Abdullah, Imran-b-Hussain (Allah be pleased with them all)—all reported from the Ms. of Allah that he said: Whoso sends contribution in the way of Allah and stays at his house, there will be for him 700 dirhams for every dirham, and whoso fights with his ownself in the way of Allah and spends for that cause, there will be 700,000 dirhams for him for every dirham. Afterwards he recited the verse: And Allah multiplies for whom He pleases. [1024]

—*Ibn Majah.*

عن علي وابي الدرداء وابي هريرة وابي امامة وعبد الله بن عمر وعبد الله بن عمرو وجابر بن عبد الله وعمران بن حصين رضي الله عنهم اجمعين كلهم يحدث عن رسول الله صلعم انه قال من ارسل نفقة في سبيل الله واقام في بيته فله بكل درهم سبعمائة درهم ومن غزا بنفسه في سبيل الله وانفق في وجهه ذلك فله بكل درهم سبعمائة الف درهم ثم تلا هذه الآية والله يضاعف لمن يشاء * (ابن ماجة)

1023. Camps are generally used by villagers and buildings by townsmen. They include the inhabitants of the world in towns and villages.

1024. See note 644 and the verse 30.39Q. A seed of paddy sprouts forth hundreds of paddy if certain circumstances are fulfilled in cultivation, watering etc. Similar

65. **Fuzalah-b-Oabid** reported: I heard Omar-b-Al-khattab say: I heard the Prophet say: Martyrs are four-a believing man of firm faith who meets enemy and believes Allah as true till he dies, he is one towards whom people will raise up their looks on the Resurrection Day like this, he raised up his head till his cap fell down (I don't know whether it was the cap of the Prophet or of Omar); he said: And a believing man of firm faith who meets enemy whose skin has been as it were pierced with thorny acacia shrubs out of cowardice,[1025] a sudden arrow comes across him and it kills him, he is in the second rank; and a believing man who mixes up good works with other bad works and meets enemy and believes Allah as true till he is killed, he is in the third rank; and a believing man who commits oppression on his soul, meets enemy and believes Allah as true till he is killed, he is in the fourth rank.

—*Tirmizi (Approved, Rare).*

عَنْ فَضَالَةَ بْنِ عُبَيْدٍ قَالَ سَمِعْتُ عُمَرَ
ابْنَ الْخَطَّابِ يَقُولُ سَمِعْتُ رَسُولَ اللهِ صلعم
يَقُولُ الشُّهَدَاءُ اَرْبَعَةٌ رَجُلٌ مُؤْمِنٌ جَيِّدُ
الْاِيْمَانِ لَقِيَ الْعَدُوَّ فَصَدَقَ اللهَ حَتَّى قُتِلَ
فَذَلِكَ الَّذِي يَرْفَعُ النَّاسُ اِلَيْهِ اَعْيُنَهُمْ يَوْمَ
الْقِيٰمَةِ هٰكَذَا وَرَفَعَ رَاْسَهُ حَتَّى سَقَطَتْ
قَلَنْسُوَتُهُ فَمَا اَدْرِي اَقَلَنْسُوَةَ عُمَرَ اَرَادَ اَمْ
قَلَنْسُوَةَ النَّبِيِّ صلعم قَالَ وَرَجُلٌ مُؤْمِنٌ جَيِّدُ
الْاِيْمَانِ لَقِيَ الْعَدُوَّ كَاَنَّمَا ضُرِبَ جِلْدُهُ
بِشَوْكِ طَلْحٍ مِنَ الْجُبْنِ اَتَاهُ سَهْمٌ غَرْبٌ
فَقَتَلَهُ فَهُوَ فِي الدَّرَجَةِ الثَّانِيَةِ وَرَجُلٌ مُؤْمِنٌ
خَلَطَ عَمَلًا صَالِحًا وَاٰخَرَ سَيِّئًا لَقِيَ الْعَدُوَّ
فَصَدَقَ اللهَ حَتَّى قُتِلَ فَذَلِكَ فِي الدَّرَجَةِ
الثَّالِثَةِ وَرَجُلٌ مُؤْمِنٌ اَسْرَفَ عَلَى نَفْسِهِ
الْعَدُوَّ فَصَدَقَ اللهَ حَتَّى قُتِلَ فَذَلِكَ فِي
الدَّرَجَةِ الرَّابِعَةِ * اَلتِّرْمِذِيُّ (حَسَنٌ غَرِيْبٌ)

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is the application of the rule in spiritual kingdom. The increase depends upon the degree of intention and efforts.

1025. This means that his hair stands on end out of cowardice and fear. Four kinds of martyrs are the following—God-fearing brave man, a God-fearing coward man, a simple believer having good and bad actions at his credit but brave, and a simple believer, sinful and coward. These are from classes of men in order of merit.

66. Abu Omamah reported that the Ms. of Allah said: The best of charities is the shade of a camp in the way of Allah, and the labour of a servant in the way of Allah, and galloping of a mare in the way of Allah. —*Tirmizi.*

عن ابي امامة قال قال رسول الله صلعم افضل الصدقات ظل فسطاط في سبيل الله ومنحة خادم في سبيل الله وطروقة فحل في سبيل الله * (الترمذي)

67. Khuraim-b-Fatek reported that the Ms. of Allah said: Whoso incurs an expenditure in the way of Allah, there is written for him 700 merits. —*Tirmizi, Nisai.*

عن خريم بن فاتك قال قال رسول الله صلعم من انفق نفقة في سبيل الله كتب له بسبع مائة ضعف * (الترمذي والنسائي)

68. Abdullah-b-Abbas reported that the Messenger of Allah said: As for the fire-none but Allah shall punish therewith. —*Bukhari.*

عن عبد الله بن عباس قال قال رسول الله صلعم ان النار لا يعذب بها الا الله * (البخاري)

521w. **Abu Sayeed al-Khodri** reported that the Ms. of Allah said: Verily the believers in the world are upon three classes—those who believe in Allah and His Apostle and then do not entertain doubt and fight with their properties and lives in the way of Allah, one in whom people feel secure regarding their properties and lives; and then one who, when he is about to fall in temptation, gives it up for the Almighty and Glorious Allah. —*Ahmad.*

عن ابي سعيد الخدري ان رسول الله صلعم قال المؤمنون في الدنيا على ثلثة اجزاء الذين امنوا بالله ورسوله ثم لم يرتابوا وجاهدوا باموالهم وانفسهم في سبيل الله والذي يامنه الناس على اموالهم وانفسهم ثم الذي اذا اشرف على طمع تركه لله عز وجل - (احمد)

821w. Abu Omamah reported: We came out with the Ms. of Allah with an army. A man passed by a cave wherein there was

عن ابي امامة قال خرجنا مع رسول الله صلعم في سرية فمر رجل بغار فيه

water and green vegetables. He mused within himself to station himself there and keep segregated from this world. Then he sought permission of the Ms. of Allah for that. The Holy Prophet said: Verily I have not been sent with Judaism or Christianity, but I have been raised up with the catholic upright religion. And by One in whose Hand there is the life of Muhammad, certainly marching in the morning or evening in the way of Allah is better than this world and what is therein, and certainly the place of someone of you in the rank (of army) is better than his prayer for 60 years.[1026] —*Ahmad.*

شيء من ماء و بقل فحدثت نفسه بأن
يقيم فيه و يتخلى من الدنيا فاستأذن
رسول الله صلعم في ذلك فقال رسول الله
صلعم اني لم أبعث باليهودية ولا
بالنصرانية ولكني بعثت بالحنيفية
السمحة والذي نفس محمد بيده لغدوة
أو روحة في سبيل الله خير من الدنيا وما
فيها ولمقام أحدكم في الصف خير من
صلاته ستين سنة * (احمد)

322w. **Otbah-b-Abd as-Salami** reported that the Ms. of Allah said: Martyrs are three. (One is) a believer who fights in the way of Allah with his ownself and property; when he encounters the enemy he fights till he is killed. The Ms. Allah said about him: That is the martyr who has been examined for the camp of Allah under His Throne. Prophets

عن عتبة بن عبد السلمي قال قال
رسول الله صلعم القتلى ثلثة مؤمن جاهد
بنفسه وماله في سبيل الله فاذا لقي العدو
قاتل حتى يقتل قال النبي صلعم فيه
فذلك الشهيد الممتحن في خيمة الله

1026. Christianity and Judaism invented monkery and aloofness from this world. The Quran says: They invented monkery—(57:27Q). Islam, however, abolished this strict notion of life. It teaches its followers to mix with this world, yet withal to remain aloof from it. It teaches easiness and not hardship in religious affairs. It is for this reason that Islam gained popularity which has not been the fate of any other religion. 'Hanafiyah' is the religion profounded by patriarch Abraham, the forefather of the Jewish and Christian prophets. It may mean upright religion founded on pure monotheism.

will not excel him but with one degree of Prophethood. And (another is) a believer who mixes good works with other evil works, fights with his ownself and his property in the way of Allah and meets the enemy and fights till he is killed. The Ms. of Allah said about him—He is a purifier that effaces his sins and his faults. Verily the sword is a great effacer of faults. He will be admitted in Paradise through whichever door he likes. And (another is) a hypocrite who fights with his self and property, meets enemy and fights till he is killed—he is in the fire. Verily the sword does not efface hypocrisy. —*Darimi.*

324w. **Ibn A'yez** reported that the Ms. of Allah came out for funeral prayer of a man. When he was placed, Omar-b-al-Khattab said: O Ms. of Allah, don't pray over him, as he is a transgressing person. Then the Holy Prophet looked towards the people and asked: Have anybody among you seen Him in any action of Islam? 'Yes' reported a man, 'O Ms. of Allah, he was a guard for one night in the way of Allah. Then the Ms. of Allah led prayer over him and scattered earth over him. He said: Your companions

تحت عرشه لا يفضله النبيون الا بدرجة
النبوة و مؤمن خلط عملا صالحا و آخر
سيئا جاهد بنفسه و ماله في سبيل الله
اذا لقي العدو قاتل حتى يقتل قال
النبي صلعم فيه ممصمصة محت ذنوبه و
خطاياه ان السيف محاء للخطايا و ادخل
من اي ابواب الجنة شاء و منافق جاهد
بنفسه و ماله فاذا لقي العدو قاتل حتى
يقتل فذلك في النار ان السيف لا يمحوا
النفاق * (الدارمي)

عن ابن عائذ قال خرج رسول الله
صلعم في جنازة رجل فلما وضع قال عمر بن
الخطاب لا تصل عليه يا رسول الله فانه
رجل فاجر فالتفت رسول الله صلعم الى الناس
فقال هل راه احد منكم على عمل الاسلام
فقال رجل نعم يا رسول الله حرس ليلة
في سبيل الله فصلى عليه رسول الله
صلعم و حثى عليه التراب و قال اصحابك
يظنون انك من اهل النار و انا اشهد

have thought that you are in the fire; I bear witness that you are one of the inmates of Paradise. He said: O Omar, verily you will not be asked about actions of men, but you will be asked about Islam. —*Baihaqi*.

إِنَّكَ مِنْ أَهْلِ الْجَنَّةِ وَقَالَ يَا عُمَرُ إِنَّكَ لَا تُسْئَلُ عَنْ أَعْمَالِ النَّاسِ وَلٰكِنْ تُسْأَلُ عَنِ الْفِطْرَةِ * (اَلْبَيْهَقِيُّ)

SECTION 2

1027 Instrmuents of war

For want of scientific inventions in early days, instruments of war were of crude forms. Duels or hand to hand fights were then the common things attended with boastings, heroism and rash dashings. The most important instruments of war at that time were arrows, swords, lances, shields, horses, mules and camels. There were coats of mails to protect the soldiers from attacks. The Arabs are skilled in the art of archery, and the Holy Prophet gave special importance to shootings in actual fightings. From that it is seen that guns, machine-guns etc. are also allowed in war. Horse-riding was recommended by the Holy Prophet. Swords were used either on horse back or on foot. Hazrat Ali had a famous sword named 'Zul-fiqer'. This sword acquired a special fame in Islam as it helped the propagation of Islam and saved it many times from utter crush. Music was not in vogue in war in general form at the time of the Prophet, but the latter Caliphs freely used it to encourage the soldiers in actual fighting. Regarding standards of war, the Holy Prophet attached special significance. He always used standards which were the symbols of unity of Allah and Brotherhood of the Faithful. In the battle of Badr, the Holy Prophet had three banners—one white and two black. Sometimes, a banner marked with the cresent was used as it is a symbol of prosperity in view of the fact that it grows and grows till it attains full light.

CONTENTS. Prophecy about conquest of Roman empire—28:70; whoso gets old in Islam will get a light on the Resurrection Day—28:81; no race except in three things—28:82; best horse—28:84; there is no forced realisation in Zakat—28:88; three things special for the Quraish -28:89; wives dear to Prophet—28:97.

69. **Oqbah-b-A'mer** reported : I heard the the Messenger of Allah say while he was delivering sermon upon the pulpit : Prepare strength for them as far as you can. Behold ! strength is in shooting ; behold ! strength is in shooting ; behold ! strength is in shooting.
—*Muslim.*

عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ سَمِعْتُ رَسُولَ اللّٰهِ صلعم وَهُوَ عَلَى الْمِنْبَرِ يَقُولُ وَأَعِدُّوا لَهُمْ مَا اسْتَطَعْتُمْ مِنْ قُوَّةٍ أَلَا إِنَّ الْقُوَّةَ الرَّمْيُ أَلَا إِنَّ الْقُوَّةَ الرَّمْيُ أَلَا إِنَّ الْقُوَّةَ الرَّمْيُ * (مُسْلِمٌ)

70. **Same** reported : I heard the Messenger of Allah say : The Roman empire will soon be conquered by you and Allah will make you self-supporting. So none of you should be weak in archery with his arrows.
—*Muslim.*

عَنْهُ قَالَ سَمِعْتُ رَسُولَ اللّٰهِ صلعم يَقُولُ سَتُفْتَحُ عَلَيْكُمُ الرُّومُ فَسَيَكْفِيكُمُ اللّٰهُ فَلَا يَعْجِزُ أَحَدُكُمْ أَنْ يَلْهُوَ بِأَسْهُمِهِ * (مُسْلِمٌ)

71. **Same** reported : I heard the Messenger of Allah say : Whoso learns archery and then leaves it is not of us, or is disobedient. [1028] —*Muslim.*

عَنْهُ قَالَ سَمِعْتُ رَسُولَ اللّٰهِ صلعم يَقُولُ مَنْ عَلِمَ الرَّمْيَ ثُمَّ تَرَكَهُ فَلَيْسَ مِنَّا أَوْ قَدْ عَصَى * (مُسْلِمٌ)

72. **Salamah-b-al-Ak'wa'a** reported that the Messenger of Allah went to a people who accepted Islam. They were practising archery in the market. He said : O children of Ismail, practise archery because your forefather was an archer, and I am with the children of so and so coming from one of the two branches. They stopped

عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ قَالَ خَرَجَ رَسُولُ اللّٰهِ صلعم عَلَى قَوْمٍ مِنْ أَسْلَمَ يَتَنَاضَلُونَ بِالسُّوقِ فَقَالَ ارْمُوا بَنِي إِسْمٰعِيلَ فَإِنَّ أَبَاكُمْ كَانَ رَامِيًا وَأَنَا مَعَ بَنِي فُلَانٍ لِأَحَدِ الْفَرِيقَيْنِ فَأَمْسَكُوا

1028. This shows that periodical military training is necessary for Muslims and that this training should continually go on in the best interests of Islam.

their hands. He asked: What is the matter with you? They replied: And how shall we practise archery while you are with the children of so and so? He said: Practise archery, and I am with you, everyone of you. —*Bukhari.*

بِأَيْدِيهِمْ فَقَالَ مَا لَكُمْ قَالُوا وَكَيْفَ نَرْمِي وَأَنْتَ مَعَ بَنِي فُلَانٍ قَالَ ارْمُوا وَأَنَا مَعَكُمْ كُلِّكُمْ * (اَلْبُخَارِي)

73. **Anas** reported that Abu Talha used to practise Archery with the Holy Prophet with the same lance, and Abu Talha was a good archer. Whenever he shot, the Prophet used to go there and look to the place of his shooting. —*Bukhari.*

عَنْ أَنَسٍ قَالَ كَانَ أَبُو طَلْحَةَ يَتَتَرَّسُ مَعَ النَّبِيِّ صلعم بِتُرْسٍ وَاحِدٍ وَكَانَ أَبُو طَلْحَةَ حَسَنَ الرَّمْيِ فَكَانَ إِذَا رَمَى تَشَرَّفَ النَّبِيُّ صلعم فَيَنْظُرُ إِلَى مَوْضِعِ نَبْلِهِ * (اَلْبُخَارِي)

74. **Same** reported that the Messenger of Allah said: Fortune lies in the forelocks of horses.[1029] —*Agreed.*

عَنْهُ قَالَ قَالَ رَسُولُ اللهِ صلعم اَلْبَرَكَةُ فِي نَوَاصِي الْخَيْلِ * (مُتَّفَقٌ عَلَيْهِ)

75. **Jarir-b-Abdullah** reported: I saw the Holy Prophet twisting the forelock of a horse with his finger and saying: As for horses, fortune, reward and booty are tied up with their forelocks up to the Resurrection Day. —*Muslim.*

عَنْ جَرِيرِ بْنِ عَبْدِ اللهِ قَالَ رَأَيْتُ رَسُولَ اللهِ صلعم يَلْوِي نَاصِيَةَ فَرَسٍ بِأُصْبُعِهِ وَهُوَ يَقُولُ الْخَيْلُ مَعْقُودٌ بِنَوَاصِيهَا الْخَيْرُ إِلَى يَوْمِ الْقِيٰمَةِ الْأَجْرُ وَالْغَنِيمَةُ * (مُسْلِمٌ)

76. **Abu Hurairah** reported that the Messenger of Allah said: Whoso keeps a horse confined in the way of Allah[1030] out of belief in Allah and belief in His Covenant, then

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم مَنِ احْتَبَسَ فَرَسًا فِي سَبِيلِ اللهِ إِيمَانًا بِاللهِ وَتَصْدِيقًا بِوَعْدِهِ فَإِنَّ شِبَعَهُ

1029. Good horses are blessings in a war. They formed the chief munitions of war in early times.

1030. One who supplies horses with manures, grass etc. in the way of Allah will get ample rewards.

verily its surfeit, its drops, its dung and its urine will be in his Balance on the Resurrection Day. —*Bukhari.*

وريه وروثه وبوله في ميزانه يوم القيامة * (البخاري)

77. **Same** reported that the Prophet disliked *shikal* in a horse, and *shikal* is that a horse should have got whiteness in its left hoof, or in its left arm, or in its right arm and left hoof. —*Muslim.*

عنه قال كان رسول الله صلعم يكره الشكال في الخيل والشكال ان يكون الفرس في رجله اليمنى بياض وفي يده اليسرى او في يده اليمنى ورجله اليسرى ـ (مسلم)

78. **Abdullah-b-Omar** reported that the Prophet had a race of trained horses from Hafya. Their destination was *Saniyyatul Wada'a*; and there is (the distance of) six miles between them. Then he had also races between two untrained horses from *Saniyyah* to the mosque of Banu Zuraiq, and there is a mile between these two places. 1081 —*Agreed.*

عن عبد الله ابن عمر ان رسول الله صلعم سابق بين الخيل التي اضمرت من الحفياء وامدها ثنية الوداع وبينهما ستة اميال وسابق بين الخيل التي لم تضمر من الثنية الى مسجد بني زريق وبينهما ميل * (متفق عليه)

79. **Anas** reported that the she-camel of the Prophet named Azba'a could not be surpassed (in race). A desert Arab came riding on it and then surpassed it. That gave a shock to the Muslims. The Prophet said: Verily it is the order of Allah that nothing

عن انس قال كانت ناقة لرسول الله تسمى العضباء وكانت لا تسبق فجاء اعرابي على قعود له فسبقها فاشتد ذلك على المسلمين فقال رسول الله صلعم

1081. Afwa is the name of a place, a few miles off from Medina. Saniyyatul wada'a is the name of a hill of Medina.

إن حقا على الله أن لا يرتفع شيء من الدنيا إلا وضعه * (البخاري)

in this world will rise up but will be brought down by Him.

—*Bukhari.*

عن عقبة بن عامر قال سمعت رسول الله صلعم يقول إن الله تعالى يدخل بالسهم الواحد ثلثة نفر الجنة صانعه يحتسب في صنعته الخير والرامي به ومنبله فارموا واركبوا وأن ترموا أحب إلي من أن تركبوا كل شيء يلهو به الرجل باطل إلا رميه بقوسه وتأديبه فرسه وملاعبته امرأته فإنهن من الحق * (الترمذي وابن ماجة وأبو داود)

80. **Oqbah-b-A'mer** reported : I heard the Messenger of Allah say : Verily Allah will admit three persons in Paradise for an arrow, one who manufactures it hoping for reward in his good workmanship, one who throws it and one who hands it over to the hand of the archer. So shoot arrow and ride on ; and your archery is better to me than your riding. Everything with which a man plays is unlawful except his shooting with his arrows, his training of his horse and his playing with his wife, because those are of the truth.

Tirmizi, Ibn Majah, Abu Daud.

عن أبي نجيح السلمي قال سمعت رسول الله صلعم يقول من بلغ بسهم في سبيل الله فهو له درجة في الجنة ومن رمى بسهم في سبيل الله فهو له عدل محرر ومن شاب شيبة في الإسلام كانت له نورا يوم القيمة * (البيهقي والنسائي والترمذي)

81. **Abu Najihias Sulam** reported : I heard the Messenger of Allah say : He who hands over an arrow in the way of Allah, will get a rank in Paradise, and he who throws an arrow in the way of Allah will get the reward of emancipation of a slave, and he who grows old in Islam, will have a light on the Resurrection Day.[1082]

—*Baihaqi, Nisai, Tirmizi.*

1082. Baihaqi narrated it in full, Abu Daud the first portion, Nisai the first and the second, and Tirmizi the second and the third. The latter mentioned 'in the way of Allah' in place of 'Islam.'

82. **Abu Hurairah** reported that the Messenger of Allah said: There is no competition except in archery, or in camel-driving, or in horse-racing.[1033]

—*Tirmizi, Abu Daud, Nisai.*

عن ابي هريرة قال قال رسول الله صلعم لا سبق الا في نصل او خف او حافر * (الترمذي و ابوداود والنسائي)

83. **Imran-b-Hussain** reported that the Messenger of Allah said: There is no Jalab, nor Janab; (Yahya added in his tradition—in mortgage).[1034]

—*Abu Daud, Nisai.*

عن عمران بن حصين قال قال رسول الله صلعم لا جلب ولا جنب زاد يحيى في حديثه في الرهان *(ابوداود والنسائي)

84. **Abu Qatadah** reported from the Messenger of Allah who said: The best of horses is black with white forehead and having white upper lip, next to that a black horse with white forehead and white legs. If it is not black, it is a bay horse with these marks.

—*Tirmizi.*

عن ابي قتادة عن النبي صلعم قال خير الخيل الادهم الاقرح الارثم ثم الاقرح المحجل طلق اليمين فان لم يكن ادهم فكميت على هذه الشية . (الترمذي)

85. **Abu Wahab Joshami** reported that the Messenger of Allah said: You should get a bay horse with white forehead

عن ابي وهب الجشمي قال قال رسول الله صلعم عليكم بكل كميت اغر

1033 Race of camels and horses and competition in shootings can be organised on conditional terms, as they encourage military training. This principle extends lawfully to other animals and materials of war.

1034. Jalab is used in Zakat or compulsory charity. The collector of Zakat lands at a remote place and informs the payer to come to him for payment of Zakat either in money or in kind. This is called Jalab. Janab is entirely contrary. The payer goes to a distant place and informs the Collector to go there and take Zakat. Both these things have been prohibited as they cause hardship both to the Collector as well as to the payer. Each must be present in his own house, so that collection may be feciliated. Janab is used also in horse races as discussed in note 683.

and white fore and hind legs, or red horse with white forehead and white legs, or black horse with white forehead and legs.

—*Abu Daud, Nisai.*

محجل او اشقر اغر محجل او ادهم اغر
محجل * (ابوداود و النسائي)

86. **Ibn Abbas** reported that the Messenger of Allah said: The fortune of horses is in redness.— *Tirmizi, Abu Daud.*

عن ابن عباس قال قال رسول الله
صلعم يمن الخيل في الشقر *
(الترمذي و ابوداود)

87. **Abu Wahab al-Joshami** reported that the Messenger of Allah said: Tie up horses and pass hand over their forelocks and their humps (or he said— buttocks), and adorn them with belts, and adorn them not with odd belts.

—*Abu Daud, Nisai,*

عن ابي وهب الجشمي قال قال
رسول الله صلعم ارتبطوا الخيل و امسحوا
بنواصيها و اعجازها او قال اكفالها و
قلدوها ولا تقلدوها الاوتار *
(ابوداود و النسائي)

88. **Otbah-b-Abd as-Solami** reported that he heard the Apostle of Allah say: Don't cut short the forelocks of horses, nor of their necks, nor of their tails; because the tails keep off the flies, and regarding mains, they keep them warm, and blessings are interwoven with the hairs of their foreheads.

—*Abu Daud.*

عن عتبة بن عبد السلمي انه سمع
رسول الله صلعم يقول لا تقصوا نواصي
الخيل ولا معارفها ولا اذنابها فان
اذنابها مذابها ومعارفها دفاؤها ونواصيها
معقود فيها الخير * (ابوداود)

89. **Ibn Abbas** reported that the Messenger of Allah was a commissioned servant. He did not specialise us in anything except in three things. He ordered us to make ablution complete,

عن ابن عباس قال كان رسول الله
صلعم عبدا مامورا ما اختصنا دون الناس
بشيء الا بثلث امرنا ان نسبغ الوضوء

directed us to complete Wuzu (ablution), not to devour *zakat*, and not to set up an ass over a horse (for breeding).[1035]

—*Tirmizi, Nisai.*

وان لا نأكل الصدقة ولا ان ننزي حمارا على فرس * (الترمذي و النسائي)

90. **Ali** reported that a mule was given to the Messenger of Allah. He rode upon it and Ali said: If you carry us on mules in preference to horses, there will be like this for us (in future). The Holy Prophet said: Verily those who do not know do it.

—*Abu Daud, Nisai.*

عن علي (رض) قال أهديت لرسول الله صلعم بغلة فركبها فقال علي لو حملنا الحمير على الخيل فكانت لنا مثل هذه فقال رسول الله صلعم انما يفعل ذلك الذين لا يعلمون * (ابوداود والنسائي)

91. **Anas** reported that the handle of the sword of the Apostle of Allah was of silver.

—*Tirmizi, Abu Daud, Nisai.*

عن انس قال كانت قبيعة سيف رسول الله صلعم من فضة * (الترمذي و ابوداود و النسائي)

92. **Hud-b-Abdullah** reported: The Apostle of Allah entered on the Day of Victory with his sword ornamented with gold and silver.

—*Tirmizi (Rare).*

عن هود بن عبد الله قال دخل رسول الله صلعم يوم الفتح وعلى سيفه ذهب و فضة. الترمذي (غريب)

93. **Saeb-b-Yezid** reported: The Apostle of Allah had two coats of mail on the day of Uhud in the midst of which he appeared.

—*Abu Daud, Ibn Majah.*

عن سائب بن يزيد أن النبي صلعم كان عليه يوم احد درعان قد ظاهر بينهما * (ابوداود وابن ماجة)

94. **Ibn Abbas** reported that the banner of the Holy Prophet was black and its ensign was white.

—*Tirmizi, Ibn Majah.*

عن ابن عباس قال كانت راية نبي الله صلعم سوداء ولواءه ابيض * (الترمذي وابن ماجة)

1035. This means that Banu Hashim among the tribes of the Quraish have been given three special attributes. (1) They cannot receive zakat; (2) they have been ordered to perform ablution in its perfect form, and (3) they cannot set up an ass

95. **Musa-b-Obaidah,** a freed slave of Muhammad-b-Qasem, reported: Send me to Bara'a b-A'jeb to enquire of him about the banner of the Prophet. He said: It was black with black and white lining.

—*Ahmad, Tirmizi, Abu Daud.*

عن موسى ابن عبيدة مولى محمد ابن القاسم قال بعثني محمد بن القاسم الى البراء بن عازب يسأله عن راية رسول الله صلعم فقال كانت سوداء مربعة من نمرة * (احمد والترمذي و ابوداود)

96. **Jaber** reported that the the Apostle of Allah entered Mecca while his banner was white.

—*Tirmizi, Abu Daud, Ibn Majah.*

عن جابر ان النبي صلعم دخل مكة ولواءه ابيض *

(الترمذي و ابوداود وابن ماجة)

97. **Anas** reported that nothing was more liked by the Prophet after wives than horses.

—*Nisai.*

عن انس قال لم يكن شيء احب الى رسول الله صلعم بعد النساء من الخيل * (النسائي)

98. **Ali** reported that there was an Arab bow in the hand of the Messenger of Allah. He said: He then saw a man with a Persian bow in his hand. He asked: What is this? Throw it off, and you should take to this and its like and excellent lance, because Allah helps you therewith the religion and settles you in cities. 1036

—*Ibn Majah.*

عن علي قال كانت بيد رسول الله صلعم قوس عربية فراى رجلا بيده قوس فارسية قال ما هذه القها و عليكم بهذه و اشباهها و رماح القنا فانها يؤيد الله لكم بها في الدين و يمكن لكم في البلاد * (ابن ماجة)

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over horse; that is, they cannot destroy their good breed. It is agreed that except the first, everything is now common among Muslims.

1036. This proves that the modern instruments of war which are more powerful should be resorted to in Jihad. The Muslims should not stick only to the old weapons of war which are less powerful. The Holy Prophet himself laid such instructions for the guidance of his followers coming next to him.

SECTION 3

1037. Actual fight

In case of actual fight, the most important rule is that attack shall be made when actually attacked. In other words, no Muslim shall be aggressive, but he should be fighting for only defence, (103, 110). This completely shatters the allegations that Islamic Jihads are aggressive. The Holy Prophet directed strict observance of international laws in the actual battle field. No woman and children are to be killed—23:11. No uproar shall be made in fight—23:108. There should be secret signal of attack to fellow soldiers which shall be unintelligible to enemies—23:105. The soldiers shall undergo training for actual fight in the battle-field—23:104. Arrays of flanks and lines should be formed—23:104. There shall be a banner of war which should be in charge of a man—23:106. Fight should begin after early morning prayer with rest at midday and at afternoon-prayer—23:119. In actual fighting, prayer must be performed in the manner indicated in note 1989. If possible, fighting should be undertaken after the afternoon prayer—23:189. Battle is a stratagem. Therefore, no policy should be made public before the actual warfare. There is however a great deal of difference among the jurists whether deception may lawfully be practised or not—23:101, 100. Women should accompany the soldiers for nursing the wounded and dressing the killed.

OTHER CONTENTS. Battle of Tabuk was fought in intense heat—23.100; fight against Banu Mustaliq—23.102; date-garden of Banu Nazir burnt—23:115; fighting in Khaiber—23:117

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99. **Jaber** reported that a man asked the Apostle of Allah on the day of Uhud: Inform me where I shall be if I am killed. 'In Paradise' said he. He then threw away the dates

عَنْ جَابِرٍ قَالَ قَالَ رَجُلٌ لِلنَّبِيِّ
صلعم يَوْمَ أُحُدٍ أَرَأَيْتَ إِنْ قُتِلْتُ فَأَيْنَ
أَنَا قَالَ فِي الْجَنَّةِ فَأَلْقَى تَمَرَاتٍ فِي

in his hand and fought till he was killed. —*Agreed.*

يَدِهٖ ثُمَّ قَاتَلَ حَتّٰى قُتِلَ ـ (مُتَّفَقٌ عَلَيْهِ)

100. **Ka'ab-b-Malek** reported that the Messenger of Allah intended no battle but concealed it with other things [1098] till that battle occurred, that is the battle of Tabuk. The Holy Prophet fought it in intense heat and made a very long march through deserts and enormous enemies. Then he suddenly came upon the Muslims. He commanded them to make martial preparations of their arms and then informed them the purpose he had in view. —*Bukhari.*

عَنْ كَعْبِ بْنِ مَالِكٍ قَالَ لَمْ يَكُنْ رَسُوْلُ اللّٰهِ صلعم يُرِيْدُ غَزْوَةً اِلَّا وَرّٰى بِغَيْرِهَا حَتّٰى كَانَتْ تِلْكَ الْغَزْوَةُ يَعْنِيْ غَزْوَةَ تَبُوْكَ غَزَاهَا رَسُوْلُ اللّٰهِ صلعم فِيْ حَرٍّ شَدِيْدٍ وَاسْتَقْبَلَ سَفَرًا بَعِيْدًا وَّمَفَازًا وَّعَدُوًّا كَثِيْرًا فَجَلّٰى لِلْمُسْلِمِيْنَ اَمْرَهُمْ لِيَتَاَهَّبُوْا اُهْبَةَ غَزْوِهِمْ فَاَخْبَرَهُمْ بِوَجْهِهِ الَّذِيْ يُرِيْدُ * (اَلْبُخَارِيُّ)

101. **Jaber** reported that the Messenger of Allah said: War is a deception. [1099] —*Agreed.*

عَنْ جَابِرٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم اَلْحَرْبُ خُدْعَةٌ * (مُتَّفَقٌ عَلَيْهِ)

102. **Abdullah-b-Aun** reported that Nafe' had written to him informing him that Ibn Omar had communicated to him that the Holy Prophet had attacked Banu Mustaliq vehemently falling

عَنْ عَبْدِ اللّٰهِ بْنِ عَوْنٍ اَنَّ نَافِعًا كَتَبَ اِلَيْهِ يُخْبِرُهٗ اَنَّ ابْنَ عُمَرَ اَخْبَرَهٗ اَنَّ النَّبِيَّ صلعم اَغَارَ عَلٰى بَنِي الْمُصْطَلِقِ غَارِّيْنَ

1098. Tauriah is to publish a thing quite different from the real thing which one wishes to undertake. This is the policy in war as war is a deception. The battle of Tabuk was the last battle of the Prophet that occurred in 9A.H. with the Roman Empire. The Prophet returned safe without any fight. Tabuk is a place, 13 stations off from Medina towards the north.

1099. War is a deception. In other words, it is unanimously lawful to practise all sorts of tricks in war—sometimes retreating to give assurance to the other party that those retreating are fearful. It does not however encourage breach of contracts and treaties and breach of securities and trusts. It also means that nobody in war can be sure of success. It is a deception in as much as glory and pride of a king vanishes like lightning in a war.

upon their cattle at Muraisi. He killed those who fought and made women and children prisoners. —*Agreed.*

فِيْ نَعَمِهِمْ بِالْمُرَيْسِيْعِ فَقَتَلَ الْمُقَاتِلَةَ وَسَبَى الذُّرِّيَّةَ * (مُتَّفَقٌ عَلَيْهِ)

103. **Abu Osaid** reported that the Messenger of Allah said to us on the Bay of Badr when we had drawn up our ranks against the Quraish and they had drawn up theirs against us: When they will fall upon you, shoot them with arrow. And in a narration: When they will fall upon you, shoot them and throw your lances. —*Bukhari.*

عَنْ أَبِيْ أُسَيْدٍ أَنَّ النَّبِيَّ صلعم قَالَ لَنَا يَوْمَ بَدْرٍ حِيْنَ صَفَفْنَا لِقُرَيْشٍ وَصَفُّوْا لَنَا إِذَا أَكْثَبُوْكُمْ فَعَلَيْكُمْ بِالنَّبْلِ وَفِيْ رِوَايَةٍ إِذَا أَكْثَبُوْكُمْ فَارْمُوْهُمْ وَاسْتَبْقُوْا نَبْلَكُمْ * (اَلْبُخَارِيُّ)

104. **Abdur-Rahman-b-Auf** reported: The Apostle of Allah trained us in ranks for one night at Badr. —*Tirmizi.*

عَنْ عَبْدِ الرَّحْمٰنِ بْنِ عَوْفٍ قَالَ عَبَّانَا رَسُوْلُ اللهِ صلعم بِبَدْرٍ لَيْلًا - (اَلتِّرْمِذِيُّ)

105. **Muhallab** reported that the Apostle of Allah said: If the enemy attacks you during night-time, your signal shall be: Ha'am, Me'im, they shall not be helped. —*Tirmizi, Abu Daud.*

عَنِ الْمُهَلَّبِ أَنَّ رَسُوْلَ اللهِ صلعم قَالَ إِنْ بَيَّتَكُمُ الْعَدُوُّ فَلْيَكُنْ شِعَارُكُمْ حٰمٓ لَا يُنْصَرُوْنَ * (اَلتِّرْمِذِيُّ وَ أَبُوْدَاوُدَ)

106. **Samorah-b-Jundub** reported that the signal of the Refugees was "Abdullah" 1040 and the signal of the Helpers was "Abdur Rahman". —*Abu Daud.*

عَنْ سَمُرَةَ بْنِ جُنْدُبٍ قَالَ كَانَ شِعَارُ الْمُهَاجِرِيْنَ عَبْدُ اللهِ وَشِعَارُ الْأَنْصَارِ عَبْدُ الرَّحْمٰنِ * (أَبُوْدَاوُدَ)

107. **Salmah-b-Akwa'a** reported: We fought along with

عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ قَالَ غَزَوْنَا مَعَ

1040. Abdullah means servant of God, and Abdur Rahman means servant of the Merciful.

Abu Bakr at the time of the Prophet and attacked them at night by killing them, and our signal for that night was—Amte, Amte.[1041] —*Abu Daud.*

أَبِي بَكْرٍ زَمَنَ النَّبِيِّ صلعم فَبَيَّتْنَاهُمْ نَقْتُلُهُمْ وَكَانَ شِعَارُنَا تِلْكَ اللَّيْلَةَ أَمِتْ أَمِتْ * (ابو داود)

108. **Qais-b-Obaid** reported that the companions of the Apostle of Allah used to dislike uproar at the time of fighting. —*Abu Daud.*

عَنْ قَيْسِ بْنِ عُبَادٍ قَالَ كَانَ أَصْحَابُ النَّبِيِّ صلعم يَكْرَهُونَ الصَّوْتَ عِنْدَ الْقِتَالِ - (ابو داود)

109. **Urwah** reported: Osamah infromed me that the Messenger of Allah took an oath from him. He said: Attack Obna[1042] in the morning and burn. —*Abu Daud.*

عَنْ عُرْوَةَ قَالَ حَدَّثَنِي أُسَامَةُ أَنَّ رَسُولَ اللهِ صلعم عَهِدَ إِلَيْهِ قَالَ أَغِرْ عَلَى أُبْنَى صَبَاحًا وَحَرِّقْ * (ابو داود)

110. **Abu Osaid** reported that the Messenger of Allah said on the Day of Badr: When they attack you from a distance, shoot arrows against them and don't take out the swords till they fall upon you. —*Abu Daud.*

عَنْ أَبِي أُسَيْدٍ قَالَ قَالَ رَسُولُ اللهِ صلعم يَوْمَ بَدْرٍ إِذَا أَكْثَبُوكُمْ فَارْمُوهُمْ وَلَا تَسُلُّوا السُّيُوفَ حَتَّى يَغْشَوْكُمْ - (ابو داود)

111. **Rabah-b-Rabiye** reported: We are with the Holy Prophet in a battle. He saw the people mustering strong over a thing. He sent a man and said: Look over what they mustered strong. He returned and said: Over a woman who has been killed. He said: She was not to be killed while Khalid-b-Walid was

عَنْ رَبَاحِ بْنِ الرَّبِيعِ قَالَ كُنَّا مَعَ رَسُولِ اللهِ صلعم فِي غَزْوَةٍ فَرَأَى النَّاسَ مُجْتَمِعِينَ عَلَى شَيْءٍ فَبَعَثَ رَجُلًا فَقَالَ انْظُرْ عَلَى مَا اجْتَمَعَ هٰؤُلَاءِ فَجَاءَ فَقَالَ عَلَى امْرَأَةٍ قَتِيلٍ فَقَالَ مَا كَانَتْ هٰذِهِ لِتُقَاتِلَ

1041. Amte means weakness or doubt.

1042. Ubna is a place in Syria. In actual fighting, it is lawful to burn trees and houses of the unbelievers.

in the vanguard. He sent a man and said: Tell Khalid: Kill no woman, and no labourer.

—*Abu Daud.*

وعلى المقدمة خالد بن الوليد فبعث رجلا فقال لخالد لا تقتل امرأة ولا عسيفا * (ابوداود)

112. Ali reported: When there came the Day of Badr, Otbah-b-Rabiah advanced forward, and his son and his brother also followed him. He addressed: Who will come to combat? Some young man of the Ansars rushed forth. He asked: Who are you? They gave him information. He said: I have got no need of you. We seek our cousins. The Prophet said: Stand up, O Hamzah, O Ali, O Obaidah-b-Hares. Thereafter Hamzah marched upon Otbah and I advanced towards Shaibah. Two attacks intervened between Obaid and Walid. Every one of the two wounded his adversary. Then we overcame Walid and killed him and carried Obaidah.

—*Ahmad, Abu Daud.*

عن علي قال لما كان يوم بدر تقدم عتبة بن ربيعة وتبعه ابنه واخوه فنادى من يبارز فانتدب له شباب من الانصار فقال من انتم فاخبروه فقال لا حاجة لنا فيكم انما اردنا بني عمنا فقال رسول الله صلعم قم يا حمزة قم يا علي قم يا عبيدة بن الحارث فاقبل حمزة الى عتبة واقبلت الى شيبة واختلف بين عبيدة والوليد ضربتان فاثخن كل واحد منهما صاحبه ثم ملنا على الوليد فقتلناه واحتملنا عبيدة * (احمد وابوداود)

113. Ibn Omar reported: The Messenger of Allah sent us in an army. People then fled away and returned to Medina and remained concealed therein and said: O Ma. of Allah, we have fled away. He said: Nay, you are those who attack upon attack, and I am also one of your party.

—*Tirmizi.*

عن ابن عمر قال بعثنا رسول الله صلعم في سرية فحاص الناس حيصة فاتينا المدينة فاختفينا بها وقلنا هلكنا ثم اتينا رسول الله صلعم فقلنا يارسول الله نحن الفرارون قال بل انتم العكارون وانا فئتكم * (الترمذي)

114. **Saoban-b-Yezid** reported that the Messenger of Allah set up ballista [1043] against the people of Tayef. —*Tirmizi (Defective).*

عَنْ ثَوْبَانَ بْنِ يَزِيْدَ اَنَّ النَّبِيَّ صلعم نَصَبَ الْمَنْجَنِيْقَ عَلٰى اَهْلِ الطَّائِفِ * اَلتِّرْمِذِيُّ (غَرِيْبٌ)

115. **Ibn Omar** reported that the Messenger of Allah orderd the date trees of Banu Nazir to be cut down and to be burnt. Hassan was saying regarding it: It became easy for the leaders of Bani Loyay to set fire to Buwairah which was blazing. And about that it was revealed: Whatever date trees you cut down or leave them standing on their roots, it is with the permission of Allah [1044] —*Agreed.*

عَنِ ابْنِ عُمَرَ اَنَّ رَسُوْلَ اللّٰهِ صلعم قَطَعَ نَخْلَ بَنِيْ النَّضِيْرِ وَحَرَقَ وَلَهَا يَقُوْلُ حَسَّانُ وَهَانَ عَلٰى سَرَاةِ بَنِيْ لُؤَيٍّ - حَرِيْقٌ بِالْبُوَيْرَةِ مُسْتَطِيْرٌ - وَفِيْ ذٰلِكَ نَزَلَتْ مَا قَطَعْتُمْ مِّنْ لِّيْنَةٍ اَوْ تَرَكْتُمُوْهَا قَائِمَةً عَلٰى اُصُوْلِهَا فَبِاِذْنِ اللّٰهِ * (مُتَّفَقٌ عَلَيْهِ)

116. **Abdullah-b-Abi Aufa** reported that in some of his battles in which he encountered the enemy, the Apostle of Allah used to wait till the sun declined. Then he used to get up among the people and say: O people! don't wish to encounter the enemy and pray to Allah for peace, but when you meet, be patient and know that Paradise is under the shades

عَنْ عَبْدِ اللّٰهِ بْنِ اَبِيْ اَوْفٰى اَنَّ رَسُوْلَ اللّٰهِ صلعم فِيْ بَعْضِ اَيَّامِهِ الَّتِيْ لَقِيَ فِيْهَا الْعَدُوَّ اِنْتَظَرَ حَتّٰى مَالَتِ الشَّمْسُ ثُمَّ قَامَ فِي النَّاسِ فَقَالَ يَاَيُّهَا النَّاسُ لَا تَتَمَنَّوْا لِقَاءَ الْعَدُوِّ وَاسْأَلُوا اللّٰهَ الْعَافِيَةَ فَاِذَا لَقِيْتُمْ فَاصْبِرُوْا وَاعْلَمُوْا اَنَّ الْجَنَّةَ تَحْتَ ظِلَالِ

1043. Menjaniq is ballista meaning an instrument of war which shoots out stones.

1044. Banu Nazir was a Jewish tribe settled at Medina. They broke treaties after treaties and consequently the Holy Prophet ordered for a regular fight with them. Hassan-b-Sabet was the poet of the Prophet who satirised his enemies on behalf of the Prophet. Banu Luwai was an honourable tribe of the Quraish who accepted Islam. Buwairah is the name of a place wherein there were date trees of Banu Nazir. This shows that in actual fighting, cutting and burning trees and properties of the unbelievers are lawful.

swords. Then he used to pray: O Allah, Sender of the Book, Mover of clouds, Driver of the Allies, defeat them and help us to prevail over them. —*Agreed*

117. **Anas** reported: Whenever the Holy Prophet fought with us against a tribe, he used not to fight with us till it was dawn and he used to wait for them. If he heard prayer-call, he withheld from them; and if he did not hear any prayer-call, he fell upon them. We marched towards Khaiber and reached them at night. When it was dawn and when he did not hear prayer call, he rode and I also rode behind Abu Talha and my feet touched the feet of the Prophet. They (people of Khaiber) came out to us with their date baskets and implements of cultivation. When they saw the Prophet, they cried out: Muhammad! By Allah, Muhammad! and five (detachments) with him. They took shelter in the fort. When the Prophet saw them (fleeing), he said: Allah is greatest, Allah is greatest, Khaiber is gone! Verily when we descended upon the plain of a people, evil became the morning of those who had been warned.[1045] —*Agreed*.

السيوف ثم قال اللهم منزل الكتاب
ومجري السحاب وهازم الاحزاب اهزمهم
وانصرنا عليهم * (متفق عليه)

عن انس ان النبي صلعم كان اذا
غزا بنا قوما لم يكن يغزو بنا حتى يصبح
وينظر اليهم فان سمع اذانا كف عنهم
وان لم يسمع اذانا اغار عليهم
فخرجنا الى خيبر فانتهينا اليهم ليلا
فلما اصبح ولم يسمع اذانا ركب
وركبت خلف ابي طلحة وان قدمي
لتمس قدم نبي الله صلعم فخرجوا الينا
بمكاتلهم ومساحيهم فلما رأوا النبي صلعم
قالوا محمد والله محمد والخميس فلجاوا
الى الحصن فلما رآهم رسول الله صلعم
قال الله اكبر الله اكبر خربت خيبر
انا اذا نزلنا بساحة قوم فساء صباح
المنذرين * (متفق عليه)

1045. The full Quranic verse runs thus: Do you then like to hasten Our

118. **Numan b-Muqarren** reported: I was present along with the Messenger of Allah in a bath. When he did not fight at the first part of the day, he used to wait till the sun declined, wind blew and victory came.

—*Abu Daud.*

عن النعمان بن مقرن قال شهدت القتال مع رسول الله صلعم وكان اذا لم يقاتل اول النهار انتظر حتى تزول الشمس وتهب الرياح وينزل النصر * (ابوداود)

119. **Qatadah** from Numan-b Muqarren reported: I fought along with the Prophet. When it was dawn, he stopped till the sun rose up, and when it rose up, he fought; when it was mid-day, he stopped till the sun declined; and when the sun declined, he fought till after-noon. Then he stopped till he prayed the late afternoon prayer. After then he fought. Qatadah said: It was said at that time that the air of victory was then blowing, and the believers called their armies to their prayers.

—*Tirmizi.*

عن قتادة عن النعمان بن مقرن قال غزوت مع النبي صلعم فكان اذا طلع الفجر امسك حتى تطلع الشمس فاذا طلعت قاتل فاذا انتصف النهار امسك حتى تزول الشمس فاذا زالت الشمس قاتل حتى العصر ثم امسك حتى يصلي العصر ثم يقاتل قال قتادة كان يقال عند ذلك تهيج رياح النصر ويدعو المؤمنون لجيوشهم في صلوتهم *

(الترمذي)

120. **Nu'man-b-Muqarren** reported: I was present in a fight along with the Messenger of Allah. When he did not fight

عن النعمان بن مقرن قال شهدت القتال مع رسول الله صلعم فكان اذا لم

punishment? Then when they descended on their plain, evil became the morning of those who had been warned (Q.) The battle of Khaiber took place in 7A.H. Those Jews who were expelled from Medina took shelter at Khaiber, the stronghold of the Jews in Arabia, at a distance of 200 miles from Medina. They took to conspiring with the tribe of Ghatafan in order to attack Medina. The Prophet with 1600 men advanced towards Khaiber and laid siege to their fort which held out for twenty days. Then the Jews surrendered to the Prophet.

in the morning, he would wait till the wind blew and prayer time came. —*Bukhari.*

يُقَاتِلْ أَوَّلَ النَّهَارِ انْتَظَرَ حَتَّى تَهُبَّ الْأَرْوَاحُ وَتَحْضُرَ الصَّلوٰةُ * (الْبُخَارِي)

SECTION 4

1046. Humanitarian Laws.

It is Islam which framed positive humanitarian rules in warfares and thereby minimised their horrors. Now-a-days, conquest of a country is always attended with murder, pillage, looting, debauchery and general massacre, but the Prophet issued strict orders. He strictly enjoined the commanders of armies not to kill women, children, oldmen and the diseased, not to cut down trees that are fruit-bearing, nor animals whose flesh is eaten, not to demolish churches synagogues, cloisters and mosques in which Allah's names are much remembered, not to treat the captives of war cruelly but to feed them and clothe them as the captors eat and clothe themselves, not to mutilate or disfigure the corpses of the fallen and the dead, to observe treaties and accept terms of peace and to sheath the sword when Islam is accepted or *Jizya* is offered. Mr. Ameer Ali quotes in the Spirit of Islam (p. 81): The following instructions were given to the troops despatched against the Byzantines by the Holy Prophet: 'In avenging the injuries inflicted upon us, molest not the harmless inmates of domestic seclusion, spare the weakness of the female sex; injure not the infant at the breast or those who are ill in bed. Abstain from demolishing the dwellings of the unresisting inhabitants, destroy not the means of their subsistence, nor their fruit trees, and touch not the palm.

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121. **Abdullah-b-Omar** reported that the Messenger of Allah forbade to kill women and children. —*Agreed.*

عَنْ عَبْدِ اللّٰهِ بْنِ عُمَرَ قَالَ نَهَى رَسُولُ اللّٰهِ صلعم عَنْ قَتْلِ النِّسَاءِ وَالصِّبْيَانِ * (مُتَّفَقٌ عَلَيْهِ)

122. **Sa'b-b-Jasamah** reported that the Messenger of Allah was asked about the inmates of the houses of the polytheists who were sleeping, at night, whether their women and girls should be killed. He said: They come from them. In a narration: They come from their fathers. 1047

—*Agreed.*

عَنِ الصَّعْبِ بْنِ جَثَّامَةَ قَالَ سُئِلَ رَسُولُ اللّٰهِ صلعم عَنْ أَهْلِ الدِّيَارِ يُبَيَّتُونَ مِنَ الْمُشْرِكِينَ فَيُصَابُ مِنْ نِسَائِهِمْ وَ ذَرَارِيِّهِمْ قَالَ هُمْ مِنْهُمْ وَفِي رِوَايَةٍ هُمْ مِنْ آبَائِهِمْ * (مُتَّفَقٌ عَلَيْهِ)

123. **Samorah-b-Jundub** reported that the Holy Prophet said: Kill the old men of the polytheists and keep their young men (that is children) alive. 1048

—*Tirmizi, Abu Daud.*

عَنْ سَمُرَةَ بْنِ جُنْدُبٍ عَنِ النَّبِيِّ صلعم قَالَ اقْتُلُوا شُيُوخَ الْمُشْرِكِينَ وَاسْتَحْيُوا شَرْخَهُمْ أَيْ صِبْيَانَهُمْ * (التِّرْمِذِيُّ وَأَبُودَاوُدَ)

124. **Anas** reported that the Messenger of Allah said: March in the name of Allah, and with the succour of Allah and over the religion of the Messenger of Allah, kill not the emaciated old, nor the young children, nor the women, and deceive not; collect your booty, do good and show kindness, because Allah loves those who do good to others.

—*Abu Daud.*

عَنْ أَنَسٍ أَنَّ رَسُولَ اللّٰهِ صلعم قَالَ انْطَلِقُوا بِسْمِ اللّٰهِ وَبِاللّٰهِ وَعَلَى مِلَّةِ رَسُولِ اللّٰهِ لَا تَقْتُلُوا شَيْخًا فَانِيًا وَلَا طِفْلًا صَغِيرًا وَلَا امْرَأَةً وَلَا تَغُلُّوا وَضُمُّوا غَنَائِمَكُمْ وَأَصْلِحُوا وَأَحْسِنُوا فَإِنَّ اللّٰهَ يُحِبُّ الْمُحْسِنِينَ * (أَبُودَاوُدَ)

1047. This means that when no distinction can be made in darkness between children, women and grown-up polytheists, there is no harm in killing the inmates of a house from outside, but when there are clear signs of distinction, children and women of the polytheists shall not be killed.

1048. The old men of extreme age incapable of fighting are not meant here. It is

125. Solaiman-b-Boraidah reported from his father that whenever the Messenger of Allah appointed a commander over an army or infantry, he used to give him directions regarding his powers: To fear Allah, and to treat the Muslims well under him. Then he used to say: Fight in the name of Allah in the way of Allah. Fight with those who disbelieve in Allah. Fight, plunder not, nor be treacherous, nor cut off ears and noses, nor kill children. When you meet your enemy from among the polytheists, invite them to three terms or conditions. To whichever of these they respond to you, accept from them and withhold from them.[1049] Then invite them to Islam. If they respond to you, accept from them and withhold from them. Then call them to shift from their houses to the houses of the Refugees, and inform them that if they do that, there is for them what is for the Refugees,[1050] and against them what is against the Refugees.

عَنْ سُلَيْمَانَ بْنِ بُرَيْدَةَ عَنْ أَبِيْهِ قَالَ كَانَ رَسُوْلُ اللّٰهِ صلعم إِذَا أَمَّرَ أَمِيْرًا عَلَى جَيْشٍ أَوْ سَرِيَّةٍ أَوْصَاهُ فِيْ خَاصَّتِهِ بِتَقْوَى اللّٰهِ وَمَنْ مَعَهُ مِنَ الْمُسْلِمِيْنَ خَيْرًا ثُمَّ قَالَ اغْزُوْا بِاسْمِ اللّٰهِ فِيْ سَبِيْلِ اللّٰهِ قَاتِلُوْا مَنْ كَفَرَ بِاللّٰهِ اغْزُوْا فَلَا تَغُلُّوْا وَلَا تَغْدِرُوْا وَلَا تَمْثُلُوْا وَلَا تَقْتُلُوْا وَلِيْدًا وَإِذَا لَقِيْتَ عَدُوَّكَ مِنَ الْمُشْرِكِيْنَ فَادْعُهُمْ إِلَى ثَلَاثِ خِصَالٍ أَوْ خِلَالٍ فَأَيَّتُهُنَّ مَا أَجَابُوْكَ فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ ثُمَّ ادْعُهُمْ إِلَى الْإِسْلَامِ فَإِنْ أَجَابُوْكَ فَاقْبَلْ مِنْهُمْ وَكُفَّ عَنْهُمْ ثُمَّ ادْعُهُمْ إِلَى التَّحَوُّلِ مِنْ دَارِهِمْ إِلَى دَارِ الْمُهَاجِرِيْنَ وَأَخْبِرْهُمْ أَنَّهُمْ إِنْ فَعَلُوْا ذَلِكَ فَلَهُمْ مَا لِلْمُهَاجِرِيْنَ وَعَلَيْهِمْ مَا عَلَى الْمُهَاجِرِيْنَ فَإِنْ أَبَوْا أَنْ

unlawful to kill them like women and children. But the old men who actually take up arms or meet enemies can lawfully be killed.

1049. The three conditions are the following: acceptance of Islam, payment of Jizya if not Islam is accepted, and thirdly war.

1050. The Refugees would get 'Fai properties' i. e. those properties which are gained without fight in consideration of their leaving hearth and home for the Prophet.

If they decline to shift from them, inform them that they are surely like desert Muslims. Allah's sanction which is prescribed for the believers will be passed on them, and there will be nothing of booty and Fai for them except that they will fight along with the Muslims. If they decline, ask Jizya from them. If they respond to you, accept from them and withhold from them. If they decline, seek assistance from Allah and fight with them. When you lay siege to the inmates of a fort and if they wish that you should make for them the covenant of Allah and the covenant of His Messenger, don't make for them covenant of Allah and the covenant of His Prophet, but make for them your covenant and the covenant of your companions, because breaking your covenants and the covenants of your companions is easier than your breaking covenant of Allah and the covenant of His Messenger. When you besiege the inmates of a fort and if they wish you to come down to them according to the sanction of Allah, don't come down to them according to the sanction of Allah but come to them with your sanction, because you

يتحولوا منها فاخبرهم انهم يكونون
كاعراب المسلمين يجري عليهم حكم الله
الذي يجري على المؤمنين ولا يكون
لهم في الغنيمة والفيء الا ان يجاهدوا
مع المسلمين فان هم ابوا فسلهم الجزية
فان هم اجابوك فاقبل منهم وكف عنهم
فان هم ابوا فاستعن بالله وقاتلهم واذا
حاصرت اهل حصن فارادوك ان تجعل
لهم ذمة الله وذمة نبيه فلا تجعل لهم
ذمة الله وذمة نبيه ولكن اجعل لهم
ذمتك وذمة اصحابك فانكم ان
تخفروا ذممكم وذمم اصحابكم اهون
من ان تخفروا ذمة الله وذمة رسوله
وان حاصرت اهل حصن فارادوك ان
تنزلهم على حكم الله فلا تنزلهم على
حكم الله ولكن انزلهم على حكمك

don't know whether the sanction of Allah will afflict them or not. —*Muslim.*

فإنك لا تدري أتصيب حكم الله فيهم أم لا * (مسلم)

126. **Anas** reported that the Messenger of Allah used to take with him in fight Omme-sulam, and some women of the Ansars when he fought, giving drink and nursing the wounded. —*Muslim.*

عن أنس قال كان رسول الله صلعم يغزو بأم سليم ونسوة من الأنصار معه إذا غزا يسقين الماء ويداوين الجرحى (مسلم)

127. **Omme Atiyyah** reported : I fought seven battles with the Holy Prophet. I remained in the rear for their luggages, prepared food for them, nursed the wounded and attended the sick. —*Muslim.*

عن أم عطية قالت غزوت مع رسول الله صلعم سبع غزوات أخلفهم في رحالهم فأصنع لهم الطعام وأداوي الجرحى وأقوم على المرضى * (مسلم)

128. **Esamil Mujani** reported : The Messenger of Allah sent us in an infantry and said : When you find a mosque, or hear a proclaimer for prayer, don't kill anybody. 1051 —*Tirmizi, Abu Daud.*

عن عصام المزني قال بعثنا رسول الله صلعم في سرية فقال إذا رأيتم مسجدا أو سمعتم مؤذنا فلا تقتلوا أحدا * (الترمذي وأبوداود)

SECTION 5

1052. Security.

In the actual warfare, if any person seeks shelter to a Muslim, it is his bounden duty to give him shelter and security. Nobody has got any right either to kill or molest him so long as he is under the roof of the Muslim. The Quran therefore declares with a solemn voice : If one of the idolaters seeks protection from

1051. The Holy Prophet prohibited to kill anybody at the time of war without discriminating whether a believer is going to be killed or an unbeliever. If any sign of a believer is found in the opposite camp, either a mosque, or azan or anyother thing, it is unlawful to kill the men of the locality.

you, give him protection till he hears the word of Allah, then take him to his place of safety (9:6Q). This verse completely repudiates the allegation that Islam was preached by force, because if he is taken to his place of safety, there is no chance of forced conversion. There are innumerable examples of protection and security offered to those who sought shelter with the Prophet or with any of his followers. Akramah, son of Abu Jahl fled to Yemen after the conquest of Mecca. He sought afterwards mercy and shelter to the Prophet. Whereupon he sent words of security. to him. Then Akramah returned and was received by the Prophet as a friend. On the day of the conquest of Mecca, the Prophet gave protection to Abu sufiyan and those who sought protection with him in the house. Nay, he gave general amnesty to all of his enemies without even a single reproach. Fo further examples of security, see note 2434.

129. Omme Hani, daughter of Abu Talib, reported: I went to the Prophet in the Year of Victory and found him taking bath, while his daughter Fatimah was screening him with a cloth. I saluted him. He asked: Who is she? I said: I am Omme Hani, daughter of Abu Talib. He said: Welcome to Omme Hani! When he finished his bath, he got up and prayed eight rak'ats being covered with a single cloth. Then he turned (from prayer). I asked: O Ms. of Allah! the son of my mother (Ali) thinks that he would kill a man, son of Hubairah whom I gave protection. The Holy Prophet said: We also give protection whom you have given, O Omme Hani.

عَنْ اُمِّ هَانِيٍ بِنْتِ اَبِيْ طَالِبٍ
قَالَتْ ذَهَبْتُ اِلَى رَسُوْلِ اللّٰهِ صلعم عَامَ الْفَتْحِ
فَوَجَدْتُهُ يَغْتَسِلُ وَ فَاطِمَةُ ابْنَتُهُ تَسْتُرُهُ بِثَوْبٍ
فَسَلَّمْتُ فَقَالَ مَنْ هٰذِهِ فَقُلْتُ اَنَا اُمُّ هَانِيٍ
بِنْتُ اَبِيْ طَالِبٍ فَقَالَ مَرْحَبًا بِاُمِّ هَانِيٍ
فَلَمَّا فَرَغَ مِنْ غُسْلِهِ قَامَ فَصَلّٰى ثَمَانِيَ
رَكَعَاتٍ مُلْتَحِفًا فِيْ ثَوْبٍ ثُمَّ انْصَرَفَ
فَقُلْتُ يَا رَسُوْلَ اللّٰهِ زَعَمَ ابْنُ اُمِّيْ عَلِيٌّ
اَنَّهُ قَاتِلٌ رَجُلًا اَجَرْتُهُ فُلَانُ بْنُ هُبَيْرَةَ
فَقَالَ رَسُوْلُ اللّٰهِ صلعم قَدْ اَجَرْنَا مَنْ اَجَرْتِ

Omme Hani narrated while it was noon. *Agreed upon it. In a narration of Tirmizi,* she said: I gave protection to two men of my relatives. The Holy Prophet said: We also give protection to one whom you have given. 1053 —*Tirmizi.*

130. **Abu Hurairah** reported that the Prophet said: A woman certainly takes for the people, that is, she gives protection for the Muslims. 1054

—*Tirmizi.*

324w. **Amr-b-Hameq** reported: I heard the Messenger of Allah say: He who extends security to the risk of his life and then kills him, shall be given the standard of treachery on the Resurrection Day.

—*Sharhi Sunnat.*

يَا أُمَّ هَانِئٍ قَالَتْ أُمُّ هَانِئٍ وَذَلِكَ ضُحًى مُتَّفَقٌ عَلَيْهِ وَفِي رِوَايَةٍ لِلتِّرْمِذِيِّ قَالَتْ أَجَرْتُ رَجُلَيْنِ مِنْ أَحْمَائِي فَقَالَ رَسُولُ اللهِ صلعم قَدْ أَمَّنَّا مَنْ أَمَّنْتِ * (التِّرْمِذِيُّ)

عَنْ أَبِي هُرَيْرَةَ إِنَّ النَّبِيَّ صلعم قَالَ إِنَّ الْمَرْأَةَ لَتَأْخُذُ لِلْقَوْمِ يَعْنِي تُجِيرُ عَلَى الْمُسْلِمِينَ * (التِّرْمِذِيُّ)

عَنْ عَمْرِو بْنِ الْحَمِقِ قَالَ سَمِعْتُ رَسُولَ اللهِ صلعم يَقُولُ مَنْ أَمَّنَ رَجُلًا عَلَى نَفْسِهِ فَقَتَلَهُ أُعْطِيَ لِوَاءَ الْغَدْرِ يَوْمَ الْقِيٰمَةِ * (شَرْحُ السُّنَّةِ)

SECTION 6

1055. International laws in war.

As there are defined duties in Islam between individuals and individuals, so is the case between nations; and one nation has got to respect the rights and obligations of another nation. This is the true basis of international rights and obligations. So the rights

1053. Hurairah was the infidel husband of Omme-Hani from whom she separated after she accepted Islam, and the man to whom refuge was extended was son of Hurairah. Hazrat Ali wanted him from Omme-Hani to be killed. So she approached the Prophet who gave the necessary security for his life.

1054 This means that if a Muslim woman gives refuge and shelter to some unbelievers, it is the duty of the entire muslim community to give them such protection and not to molest her security.

of nations and their obligations to each other in no wise differ from those existing between individuals. Hence it is necessary according to Islam that international laws should be observed by all nations and estates in order to secure permanent peace and increase the ever-growing prosperity of the world. A few of such laws are given below. (1) No ambassador should be killed; (2) no treaty shall unjustly be broken (see next section); (3) no unjustifiable aggression shall be made on weaker nations; (4) a nation has got as much right for worldly business as another nation has got; (5) humanitarian laws in warfare (discussed in section 4) shall be observed. These are the grand superstructures on which Islamic international laws are chiefly based.

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131. **Nu'man-b-Mas'ud** reported that the Messenger of Allah said to two persons who came from Musailamah: Behold, by Allah, but for the fact that ambassadors are not to be killed, I would have smitten your necks.[1056] —*Ahmad, Abu Daud.*

نعيم بن مسعود ان رسول الله صلعم قال لرجلين جاءا من عند مسيلمة اما والله لولا ان الرسل لا تقتل لضربت اعناقكما * (احمد و ابو داود)

325w. **Ibn Mas'ud** reported: Ibn Nawwahah and Ibn Osal came as ambassadors to the Messenger of Allah. He said to them: Do you bear witness that I am the Messenger of Allah? They said: No, we bear witness that Musailamah is the Messenger of Allah. Then the Holy Prophet said: I believe in Allah and His Messenger. Had

عن ابن مسعود قال جاء ابن النواحة و ابن اثال رسولا مسيلمة الى النبي صلعم فقال لهما اتشهدان اني رسول الله فقالا نشهد ان مسيلمة رسول الله فقال النبي صلعم امنت بالله ورسوله لو كنت

1056. Musailamah was an imposter claiming the office of a prophet during the life time of the prophet of Islam. He was trying his level best to check the progress of Islam and to establish a religion of his own. The two persons that came from Musailamah were Abdullah-b-Nawwahah and Ibn Osal. They came to the Prophet and said: We bear witness that Musailamah is the messenger of Allah. At this stage, the Prophet was enraged and said what has been narrated above.

I been a killer of ambassadors, I would have killed you. Abdullah said: Then the convention runs that an ambassador shall not be killed. —*Ahmad.*

قَاتِلاً رُسُلاً لَقَتَلْتُكُمَا قَالَ عَبْدُ اللّٰهِ فَمَضَتِ السُّنَّةُ اَنَّ الرُّسُلَ لَا يُقْتَلُ * (اَحْمَدُ)

SECTION 7

1057. Treaties and Peace

The greatest and the foremost principle that was taught by the Holy Prophet was peace. His very religion Islam means peace. Therefore peace is the key note of Islam from beginning to end. In order to establish peace on a firm and solid footing, he laid the foundation of an Universal Brotherhood which is the real basis of international peace and treaty. The Quran declared: The believers are but brethren; therefore make peace between your brethren—49:10Q. And if two parties of the believers quarrel, make peace between them—49:7Q. He not only left lip-sermons but established rules and regulations which, if followed, would have brought ever-lasting peace both in this world and the next. That is why he defined duties of a man in his various capacities. Above all, he showed how peace can be brought about among the contending religions of the world by declaring—Don't abuse those whom they take up as gods besides Allah—6:109Q. Such an Apostle of peace cannot advocate tyranny in war. As war is sometimes unavoidable for the foundation of permanent peace by punishing those who bring disorder in the land, it is indispensibly necessary. Still the Prophet was the last man to take up the sword. It is only when the sword was necessary for self defence that he used to take up arms. In the midst of war also, his instruction was not to attack first but as a counter challenge to attack from enemies. Whenever there was any offer of peace and cessation of hostility, he at once unsheathed his sword with his followers according to this behest of the Holy Quran: And if they incline

to peace, then incline to it and trust in Allah. He is the Hearing, the Knowing; and if they intend to deceive thee, then certainly Allah is sufficient for thee—8:61, 62Q. Allah invites you to the abode of peace—10:25Q. In order to effect peace, he not only agreed on equal terms but if any humiliating condition was imposed, he readily accepted it. This was the case in the truce of Hudaibiyya. One of the conditions of this truce was that if one among the Meccans came over to the Holy Prophet, he would return him to the Quraish though he would be a Muslim, but the Quraish would not return a Muslim. That was a treaty which truly gave the Prophet a real opportunity for preaching Islam in right earnest. The Quran refers to this truce by saying: Certainly Allah was pleased with the believers when they swore allegiance to you under the tree, and He knew what was in their hearts; so He sent down tranquility on them and rewarded them with a near victory—48:18Q.

After establishment of peace as result of war by making treaties with enemies, it is one of the greatest sins to violate the terms. The Holy Quran says: Don't make mischief in the land after its peace—7:56Q. Disturbance is severer than murder —2:191Q. Surely the vilest of animals in the sight of Allah are those with whom you make an agreement; then they break their agreement every time and they don't fear—8:55-56Q. Breach of treaty does not appear in a people but Allah throws fear into their hearts, nor do a people break a treaty but the enemy becomes powerful over them—26:359w. Treaties on no account shall be violated—23:140.

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132. **Amr-b-Auf-al-Mujani** reported from the Holy Prophet who said: Compromise is lawful among Muslims except a compromise which makes a lawful thing unlawful or an unlawful thing lawful. And the Muslims

عَنْ عَمْرِو بْنِ عَوْفٍ الْمُزَنِيِّ عَنِ النَّبِيِّ
صلعم قَالَ الصُّلْحُ جَائِزٌ بَيْنَ الْمُسْلِمِينَ إِلَّا
صُلْحًا حَرَّمَ حَلَالًا أَوْ أَحَلَّ حَرَامًا وَالْمُسْلِمُونَ

shall stand upon their terms except a term which makes a lawful thing unlawful or an unlawful thing lawful.

—*Tirmizi, Ibn Majah and Abu Daud.*

على شروطهم إلا شرطا حرم حلالا أو أحل حراما * (الترمذي و ابن ماجة و ابو داود)

133. **Solaim-b-A'mer** reported that there was a treaty between Muwayiah and the Romans. He used to travel towards their lands, till when the covenant was broken, he attacked them. A man came riding on an Arab horse or Turkish horse and said: Allah is greatest, Allah is greatest, fidelity and no treachery. They reconnoitered when lo! he was Amr-b-Abasah. Muwayiah asked him about that. He said: I heard the Ms. of Allah say: Whoso has got a treaty between him and a people must neither unloosen the treaty, nor make it tight till its term expires or he is thrown to them on an equal footing. He said: Then Muwayiah returned with the people.[1058] —*Tirmizi, Abu Daud.*

عن سليم بن عامر قال كان بين معاوية و بين الروم عهد وكان يسير نحو بلادهم حتى اذا انقضى العهد أغار عليهم فجاء رجل على فرس أو برذون وهو يقول الله أكبر الله أكبر وفاء لا غدر فنظروا فإذا هو عمرو بن عبسة فسأله معاوية عن ذلك فقال سمعت رسول الله صلعم يقول من كان بينه وبين قوم عهد فلا يحلن عهدا ولا يشدنه حتى يمضي أمده أو ينبذ إليهم على سواء قال فرجع معاوية بالناس *

(الترمذي و ابو داود)

134. **Abu Rafe'** reported: The Quraish sent me to the Apostle of Allah. As soon as I saw the Prophet, Islam was thrown in

عن أبي رافع قال بعثني قريش إلى رسول الله صلعم فلما رأيت رسول الله

1058. Treaties and contracts which are consistent with the Quran and Hadis were ordered to be observed. Islam did not encourage laxity in obeying the treaties as they are solemn pledges, but such contracts and treaties as are unlawful are not ordered to be observed by this tradition and by the following verse: "Help one another in piety and righteousness, and do not help in sin and transgression (Q.)

my heart. Then I said: O Ms. of Allah, by Allah, I shall certainly never return to them. He said: Verily I do neither break a treaty, nor do I make an ambassador prisoner. Therefore return. If there remains in your heart what is now in your heart, come back. He said: Then I went and came to the Prophet and accepted Islam. 1059 —*Abu Daud.*

صلعم ألقي في قلبي الإسلام فقلت يا رسول الله إني والله لا أرجع إليهم أبدا قال إني لا أخيس بالعهد ولا أحبس البرد و لكن ارجع فإن كان في نفسك الذي في نفسك الآن فارجع قال فذهبت ثم أتيت النبي صلعم فأسلمت * (أبوداود)

135. **Amr-b-Shuaib** reported from his father who from his grandfather heard that the Ms. of Allah said in his sermon: Fulfil your convenants of the Days of Ignorance, because it, meaning Islam, does not add to it but firmness, and do not renew a covenant in Islam. 1060 —*Tirmizi.*

عن عمرو بن شعيب عن أبيه عن جده أن رسول الله صلعم قال في خطبته أوفوا بحلف الجاهلية فإنه لا يزيده يعني الإسلام إلا شدة ولا تحدثوا حلفا في الإسلام * (الترمذي)

136. **Meswar-b-Makhramah and Marwan-b-Hakam** reported: The Ms. of Allah came out in the year of Hudaibiyyah with one thousand and odd of his companions When he came to Zul-Halifah, he put bells to the the animals of sacrifice, put marks and tied up *Ihram* for

عن المسور بن مخرمة ومروان بن الحكم قالا خرج النبي صلعم عام الحديبية في بضع عشرة مائة من أصحابه فلما أتى ذا الحليفة قلد الهدي وأشعر وأحرم منها

1059. It appears from this that Islam was not preached by force but by its intrinsic value and by the great magnetic personality of the prophet. He also wanted that international law should be respected. This man was sent at the time of a treaty between the Prophet and the Quraish.

1060. Islam respects treaties and obligations. Those convenants which were made before Islam were ordered to be observed but renewal of a convenant in Islam as is opposed to the spirit of Islam was forbidden.

them for *Umrah*, and he journeyed till he came to Saniyyah from where they (Meccans) were to be attacked. His riding camel stopped and so the people said: Go on, go on; Qaswa has stopped, Qaswa has stopped. The Messenger of Allah said: Qaswa has not stopped, and that is not her nature, but One who stopped the elephant has stopped her.[1061] Afterwards he said: By One in whose hand there is my life, they (Meccans) will not seek a term from me by which they will magnify the sacred things of Allah except that I should grant it to them.[1062] Afterwards he gave it a move and then it jumped up and turned aside from them, till it landed at the farthest end of Hudaibiyyah upon a ditch of scanty water which the people began to drink little by little. The people were not there for long till they dried it up. Then complaint of thirst was made to the Prophet. So he drew out an arrow from his

بعمرة وسار حتى إذا كان بالثنية التي
يهبط عليهم منها بركت به راحلته فقال
الناس حل حل خلأت القصواء خلأت
القصواء فقال النبي صلعم ما خلأت القصواء
وما ذاك لها بخلق ولكن حبسها
حابس الفيل ثم قال والذي نفسي بيده
لا يسئلوني خطة يعظمون فيها حرمت
الله إلا أعطيتهم إياها ثم زجرها فوثبت
فعدل عنهم حتى نزل بأقصى الحديبية
على ثمد قليل الماء يتبرضه الناس تبرضا
فلم يلبثه الناس حتى نزحوه وشكي
إلى رسول الله صلعم العطش فانتزع
سهما من كنانته ثم أمرهم أن يجعلوه

1061. This has got a reference. Just before the Prophet's birth, Abraha, the Abyssinian king, marched towards Mecca to destroy the Ka'ba with camels, but camels could not proceed and were destroyed. In other words, Allah stopped the camels, and it was not His intention that there should be war and blood-shed at Mecca.

1062. This means: I would be ready to grant provided the respectibility of the Holy Ka'ba is preserved. Hudaibiyyah is a place which is 18 miles off from Medina towards Mecca. Bed'a signifies a number from 3 to 9.

case and ordered to put it therein. By Allah, water then began to gush forth for them in torrents till they became free from its need. When they were in that condition, Budail-b-Waraqah al Khuzayi came with a party of Khuza'a tribe and then Urwah-b-Mas'ud came and pushed on negotiation, till he said "when Sohail-b-Amr came", and the Prophet said: Write this down: "what Muhammad, Messenger of Allah agreed thereupon". Then Sohail said: Had we recognised that you were the Ms. of Allah, we would not have prevented you from the house (Ka,ba), nor would have fought with you, but write down "Muhammad, son of Abdullah". Then the Holy Prophet said: By Allah, I am surely Messenger of Allah, and if you believe me as false, write down Muhammad, son of Abdullah. Sohail then said: And on a term that no man, though he might be upon your religion, shall come to you but you shall return him to us. When he (Ali) finished the necessary writing, the Ms. of Allah said to his companions: Get up and then make sacrifice, next shave (your hairs). Afterwards some believing

فيه فوالله ما زال يجيش لهم بالري
حتى صدروا عنه فبينما هم كذلك إذ جاء
بديل بن ورقاء الخزاعي في نفر من
خزاعة ثم أتاه عروة بن مسعود وساق
الحديث إلى أن قال إذ جاء سهيل
بن عمرو فقال النبي صلعم اكتب هذا
ما قاضى عليه محمد رسول الله فقال سهيل
والله لو كنا نعلم أنك رسول الله ما صددناك
عن البيت ولا قاتلناك ولكن اكتب
محمد بن عبد الله فقال النبي صلعم والله
إني لرسول الله وإن كذبتموني اكتب
محمد بن عبد الله فقال سهيل وعلى
أن لا يأتيك منا رجل وإن كان على
دينك إلا رددته علينا فلما فرغ من
قضية الكتاب قال رسول الله صلعم لأصحابه
قوموا فانحروا ثم حلقوا ثم جاء نسوة مؤمنات

women came. Then the Almighty Allah revealed: O those who believe! when the believing women come to you as refugees—the verse. The Almighty Allah prohibited them to return them (women) and he orderd them to return dowry to them (husbands). Afterwards he returned to Medina. Then Abu Basir, a man of the Quraish, came to him while he was a Muslim. They sent two men to search for him, but he (Prophet) surrendered him to the two men. They came out with him till when they reached Zul-Halifa, they landed down to eat fresh dates which they got. Then Abu Basir said to one of the two men: By Allah, O so and so, certainly I see that this sword of yours is an exellent one. Show me that I may have a look at it. Then he snatched it from him and stroke him till he was cold (with death). The other man fled away till he came to Medina and entered the mosque running. Then the Prophet said: He has seen (an object of) fear. He said: By Allah, my companion certainly has been murdered, and I was surely to be killed. Afterwards Abu Basir came

إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ الآيَةَ
فَأَنْزَلَ اللّٰهُ تَعَالَى يَا أَيُّهَا الَّذِينَ آمَنُوا
فَنَهَاهُمُ اللّٰهُ تَعَالَى أَنْ يَرُدُّو
هُنَّ وَأَمَرَهُمْ أَنْ يَرُدُّوا الصَّدَاقَ ثُمَّ
رَجَعَ إِلَى الْمَدِينَةِ فَجَاءَهُ أَبُو بَصِيرٍ رَجُلٌ
مِنْ قُرَيْشٍ وَهُوَ مُسْلِمٌ فَأَرْسَلُوا فِي طَلَبِهِ
رَجُلَيْنِ فَدَفَعَهُ إِلَى الرَّجُلَيْنِ فَخَرَجَا بِهِ
حَتَّى إِذَا بَلَغَا ذَا الْحُلَيْفَةِ نَزَلُوا يَأْكُلُونَ
مِنْ تَمْرٍ لَهُمْ فَقَالَ أَبُو بَصِيرٍ لِأَحَدِ
الرَّجُلَيْنِ وَاللّٰهِ إِنِّي لَأَرَى سَيْفَكَ هَذَا
يَا فُلَانُ جَيِّدًا أَرِنِي أَنْظُرْ إِلَيْهِ فَأَمْكَنَهُ
مِنْهُ فَضَرَبَهُ حَتَّى بَرَدَ وَفَرَّ الْآخَرُ حَتَّى
أَتَى الْمَدِينَةَ فَدَخَلَ الْمَسْجِدَ يَعْدُو فَقَالَ
النَّبِيُّ صلعم لَقَدْ رَأَى هَذَا ذُعْرًا فَقَالَ قُتِلَ
وَاللّٰهِ صَاحِبِي وَإِنِّي لَمَقْتُولٌ فَجَاءَ أَبُو

and the Holy Prophet said to him: Woe to his mother! Kindler of war! would that there would have been some body for him! When he heard that, he perceived that he would hand him over to them (Quraish). Then he slipped out till he came to the sea-shore. Abu Jandal-b-Abi Suhail fled there and met Abu Basir. No man of the Quraish who was a Muslim began to come out but to meet with Abu Basir till they formed a party. By Allah! they did not hear of any caravan (of merchandise) that came out for the Quraish towards Syria but confronted them and killed them and took away their properties. Then the Quraish sent to the Prophet reminding him of Allah and blood-tie and to send to them saying—whoso comes to me will be safe. Then the Prophet sent to them.

—*Bukhari.*

بصير فقال النبي صلعم ويل امه مسعر حرب لو كان له احد فلما سمع ذلك عرف انه سيرده اليهم فخرج حتى اتى سيف البحر قال وانفلت ابو جندل بن ابي سهيل فلحق بابي بصير فجعل لا يخرج من قريش رجل قد اسلم الا لحق بابي بصير حتى اجتمعت منهم عصابة فوالله ما يسمعون بعير خرجت لقريش الى الشام الا اعترضوا لها فقتلوهم و اخذوا اموالهم فارسلت قريش الى النبي صلعم تناشده الله والرحم لما ارسل اليهم فمن اتاه فهو امن فارسل النبي صلعم اليهم *

(البخاري)

137. **Anas** reported that the Quraish made a treaty with the Messenger of Allah and imposed terms on the Prophet: Whoso among you shall come to us, we shall not return him to you, and whoso from us shall come to you, you shall return him to us. They (companions)

عن انس ان قريشا صالحوا النبي صلعم فاشترطوا على النبي صلعم ان من جاءنا منكم لم نرده عليكم و من جاءكم منا رددتموه علينا فقالوا يا رسول

said: O Ms. of Allah, shall we write this? 'Yes' said he, 'whoso of us shall go to them, Allah will keep him away, and whoso among them will come to us, Allah will soon find out a relief and a way for him'.

—*Muslim.*

الله أنكتب هذا قال نعم إنه من ذهب منا إليهم فأبعده الله ومن جاءنا منهم سيجعل الله له فرجا و مخرجا * (مسلم)

138. **Bara'a-b-A'jeb** reported that the Messenger of Allah made treaty with the Quraish on the Day of Hudaibiyyah over three things; On condition that whoso of the polytheists would come to him, he would return him to them, but whoever of the Muslims comes to them, they would not return him; and on condition that he would come to Mecca next year and would stay there for three days, and would not enter there except by sheathing lances, swords and bows and like that. Then Abu Jandal came to him while he was bound in fetters. So he returned him to them.

—*Agreed.*

عن البراء بن عازب قال صالح النبي صلعم المشركين يوم الحديبية على ثلثة أشياء على أن من أتاه من المشركين رده إليهم ومن أتاه من المسلمين لم يردوه وعلى أن يدخلها من قابل ويقيم بها ثلثة أيام ولا يدخلها إلا بجلبان السلاح والسيف والقوس ونحوه فجاء أبو جندل يحجل في قيوده فرده إليهم * (متفق عليه)

139. **Meswar and Marwan** reported; They made a treaty to put an end to war for ten years during which people would be safe, and no hatred should subsist between us, and that there should be no drawing of sword or treachery.

—*Abu Daud.*

عن المسور ومروان أنهم اصطلحوا على وضع الحرب عشر سنين يأمن فيهن الناس وعلى أن بيننا عيبة مكفوفة وأنه لا إسلال ولا إغلال * (أبو داود)

140. **Safwan-b-Solaim** from a number of the children of the companions of the Messenger of Allah, who from their fathers reported from the Apostle of Allah who said: Behold! whoso oppresses a covenanted man, or does some damage to him, or puts such a hardship on him as is beyond his endurance, or takes away something from him without his wilful consent, I shall be his disputant on the Resurrection Day. —*Abu Daud.*

عَنْ صَفْوَانَ بْنِ سُلَيْمٍ عَنْ عِدَّةٍ مِنْ أَبْنَاءِ أَصْحَابِ رَسُولِ اللهِ صلعم عَنْ آبَائِهِمْ عَنْ رَسُولِ اللهِ صلعم قَالَ أَلَا مَنْ ظَلَمَ مُعَاهَدًا أَوِ انْتَقَصَهُ أَوْ كَلَّفَهُ فَوْقَ طَاقَتِهِ أَوْ أَخَذَ مِنْهُ شَيْئًا بِغَيْرِ طِيبِ نَفْسٍ فَأَنَا حَجِيجُهُ يَوْمَ الْقِيٰمَةِ * (ابو داود)

141. **Bara'a-b-A'jeb** reported that the Messenger of Allah made 'Umrah' in Zil-Qa'dah, but the inhabitants of Mecca refused to allow him to enter Mecca till he made treaty with them with a condition that he would enter, that is, in the following year staying there for three days. When they wrote terms, they wrote also this "what Muhammad, the Messenger of Allah, has agreed thereon". They said: We don't agree to it. Had we recognised that you are a Messenger of Allah, we would not have denied you, but you are "Muhammad, son of Abdullah". He said: "I am the Apostle of Allah and I am Muhammad, son of Abdullah". Afterwards he said to Ali-b-Abu Taleb: Delete

عَنِ الْبَرَاءِ بْنِ عَازِبٍ قَالَ اعْتَمَرَ رَسُولُ اللهِ صلعم فِي ذِي الْقَعْدَةِ فَأَبَى أَهْلُ مَكَّةَ أَنْ يَدَعُوهُ يَدْخُلُ مَكَّةَ حَتَّى قَاضَاهُمْ عَلَى أَنْ يَدْخُلَ يَعْنِي مِنَ الْعَامِ الْمُقْبِلِ يُقِيمُ بِهَا ثَلٰثَةَ أَيَّامٍ فَلَمَّا كَتَبُوا الْكُتُبَ كَتَبُوا هٰذَا مَا قَاضَى عَلَيْهِ مُحَمَّدٌ رَسُولُ اللهِ فَقَالُوا لَا نُقِرُّبِهَا فَلَوْ نَعْلَمُ أَنَّكَ رَسُولُ اللهِ مَا مَنَعْنَاكَ وَلٰكِنْ أَنْتَ مُحَمَّدُ بْنُ عَبْدِ اللهِ فَقَالَ أَنَا رَسُولُ اللهِ وَأَنَا مُحَمَّدُ بْنُ عَبْدِ اللهِ ثُمَّ قَالَ لِعَلِيِّ

"the Messenger of Allah". He said: No, by Allah, I shall never delete it. Then the Prophet took (and he was not good in writing)[1063] and wrote this: "What Muhammad, son of Abdullah, came to terms: He shall not enter Mecca with arms except sword in sheath, he shall come out with none of its inhabitants except one who wishes to follow him, he shall not prevent any of his companions if he wishes to stay there. When he entered into it (agreement) and the fixed term expired, they came to Ali and said: Say to your companions: Go away from us, verily the fixed term expired. Then the Prophet came out. —*Agreed.*

بن ابي طالب امح رسول الله قال لا
والله لا امحوك ابدا فاخذ رسول الله
صلعم وليس يحسن يكتب فكتب هذا ما
قاضى عليه محمد بن عبد الله لا يدخل
مكة بالسلاح الا السيف في القراب ان لا
يخرج من اهلها باحد ان اراد ان يتبعه
وان لا يمنع من اصحابه احدا ان اراد
ان يقيم بها فلما دخلها ومضى الاجل
اتوا عليا فقالوا قل لصاحبك اخرج عنا
فقد مضى الاجل فخرج النبي صلعم *
(متفق عليه)

CHPTER XXIII
SECTION 8
1064. Booty

(a) Booty belongs to the soldiers. Booties are the properties acquired in the battle field as a result of war. They differ from *Fai* acquisitions in the sense that whereas the former is acquired in war, the latter is acquired without war. The question of *Fai* has been dealt with in note 1085. In pre-Islamic Arabia, the commander of an army used to take ¼th of the booties acquired in a war. That was known as مرباع The remainder used to be taken at random by the soldiers. In other countries, the booty went to add to the coffers of

1063. The Prophet could not write. Hence it is not correct that he knew a little writing.

the king. After the battle of Badr, the verse dealing with the booties was first revealed. The verse introduced the rule for the first time that the spoils of war would be the property of the soldiers who actually take part in the battle. Previously it went either to the coffers of the victorious king or commander even though he did not join in the actual fight. That is one of the reasons why the soldiers of Islam fought tooth and nail. They would get Paradise in case of death in a holy war, and booties in case of conquest. Zihad is therefore the best source of all acquisitions. See note 880.

(b) Distribution of Booties. The distribution of booties has been ordered by the Holy Quran in the following ways. The Quran says: And know that whatever thing you acquire in war, $\frac{1}{5}$th of it is for Allah and for the Apostle and for the near of kin and for the orphans and the needy and the way farer—8:41Q. The remaining $\frac{4}{5}$ths will be divided among the warriors who actually have taken part in the battle—23:171. The generally accepted opinion is that the Prophet's $\frac{1}{5}$th share as stated in the Quran used to be sub-divided by the Prophet into five divisions, reserving $\frac{1}{25}$th share for the Holy Prophet, $\frac{1}{25}$th for his near kinsmen, and $\frac{3}{25}$th for the orphans, the needy and the way-farers. As to the Prophet's $\frac{1}{25}$th share, it appears from traditions 23:146, 179, 168 that it was used for the poor and towards benefit of the Muslims in general. After the Prophet's demise, the entire $\frac{1}{5}$th share would go to the Public Exchequer to be spent for the good of the community as a whole and for the benefit of the poor, the distressed and the needy. Sometimes special concessions in booties can be given to brave soldiers—23:147, 150. There should be no sale of a booty before division—23:—170, Each horseman will get 2 shares while a foot man one share—23:161. For purposes of necessary consumptions, enjoyment of booty is allowed before division—23:176.

(c) Booties acquired in wars. In the battle of Muraisi with Banu Mustaliq, the booties gained were nearly 200 camels and 5000 goats. In the campaign of Hunain, the booties that fell to the hands of the Muslims were 24000 sheep, 4000 silver

coins and innumerable camels. In the battle of Badr and Uhud, the booties were also great.

Contents. One who squanders the properties of zakat and booty will go to Hell—23:151; the sin of treachery in booty is great—23:152; Muhammad is the greatest Prophet—23:157; goods of a treacherous man are to be burnt—23:167; even a thread of booty shall not be stolen—23:177, Muaz-b-Afa,a and Muaz-b-Amr killed Abu Jahal—23:180.

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142. **Abu Hurairah** reported that the Ms. of Allah said: Booty was not lawful for anybody previous to us. That was because Allah saw our weakness and helplessness, and so He made it lawful for us. —*Agreed.*

عن ابي هريرة عن رسول الله صلعم قال فلم تحل الغنائم لاحد من قبلنا ذلك بان الله رأى ضعفنا وعجزنا فطيبها لنا * (متفق عليه)

142a. **Abu Qatadah** reported: We came out with the Prophet in the year of Hunain. When we met, there grew a panic among the Muslims. Then I saw one of the polytheists overcoming one of the Muslims. I gave him a stroke from his back over the chord of his shoulder with the sword and cut off his coat. He approached me and caught such a hold on me that I perceived an air of death therefrom. Then the death overtook him. He then gave up his hold on me. I met there after Omar-b-al-Khattab. I said: What is the matter with the people (that they flee away)? He said: Decree of Allah. Then

عن ابي قتادة قال خرجنا مع النبي صلعم عام حنين فلما التقينا كانت للمسلمين جولة فرأيت رجلا من المشركين قد علا رجلا من المسلمين فضربته من ورائه على حبل عاتقه بالسيف فقطعت الدرع واقبل علي فضمني ضمة وجدت منها ريح الموت ثم ادركه الموت فارسلني فلحقت عمر بن الخطاب فقلت ما بال الناس

they returned.[1065] The Holy Prophet sat down and said: Whoso kills a man, there is proof upon him therefor and there is his goods for him. I thought: Who will bear witness for me? [1066] Then I took my seat. The Holy Prophet uttered similar thing. I thought: Who will bear witness for me? Then I sat down. Afterwards the Prophet uttered the similar thing. Then I got up. He asked: What is the matter with you, O Abu Qatadah? I informed him. A man said: The man has spoken the truth, and his goods are with me. Let him be given satisfaction from me.[1067] Abu Bakr said: No! by God! Then he (Prophet) will not turn towards a lion out of the lions of Allah fighting for Allah and His Messenger and give you his goods. Then the Ms. of Allah said: He has spoken the truth. Give him. Then he gave it to me. Then I purchased therewith a garden of Banu Salmah, and verily it was the first booty I hoarded in Islam [1068] —*Agreed.*

فقال أمر الله ثم رجعوا وجلس النبي صلعم فقال من قتل قتيلا له عليه بينة فله سلبه فقلت من يشهد لي ثم جلست فقال النبي صلعم مثله فقلت من يشهد لي ثم جلست ثم قال النبي صلعم مثله فقمت فقال ما لك يا أبا قتادة فأخبرته فقال رجل صدق وسلبه عندي فأرضه مني فقال أبو بكر لاها الله إذا لا يعمد إلى أسد من أسد الله يقاتل عن الله ورسوله فيعطيك سلبه فقال النبي صلعم صدق فأعطه فأعطانيه فابتعت به مخرفا في بني سلمة فإنه لأول مال تأثلته في الإسلام * (متفق عليه)

1065. After the Muslims first met with defeat, they again turned to the battle-field in Hunain.

1066. This means: Who will bear witness that I killed this infidel so that I may get his goods?

1067. In other words, let the man take his booty from the properties of the polytheists I have taken, or so much of the booties as would please him.

1068. The substance of the tradition is that at the battle of Hunain which took

143. Ibn Omar reported that the Holy Prophet gave three shares to a man and his horse, one share for himself and two shares for his horse. —*Agreed*

عن ابن عمر ان رسول الله صلعم اسهم للرجل ولفرسه ثلثه اسهم سهما له وسهمين لفرسه * (متفق عليه)

144. Yezid-b-Hurmuz reported that Najdatul Horuri wrote to Ibn Abbas asking him about a slave and a woman who remain present at the time of the distribution of the booty: Should it be allotted to them? He said to Yezid: Write to him that they will have no fixed share except what they are given.[1069] In another narration: Ibn Abbas wrote to him: You have written to me asking me: Did the Holy Prophet take women in war, and did he fix for them any share (of booty)? He has indeed taken them in war. They attended the sick and were given something out of the booty. As for share, no fixed portion was reserved for them —*Muslim.*

عن يزيد بن هرمز قال كتب نجدة الحروري الى ابن عباس يسأله عن العبد والمرأة يحضران المغنم هل يقسم لهما فقال ليزيد اكتب اليه انه ليس لهما سهم الا ان يحذيا وفي رواية كتب اليه ابن عباس انك كتبت تسألني هل كان رسول الله صلعم يغزو بالنساء وهل كان يضرب لهن بسهم فقد كان يغزو بهن يداوين المرضى ويحذين من الغنيمة واما السهم فلم يضرب لهن بسهم * (مسلم)

145. Salmah-b-Akwa'a reported that the Holy Prophet sent his camel with Rabah, the slave of the Ms. of Allah, while I was

عن سلمة بن الاكوع قال بعث رسول الله صلعم بظهره مع رباح غلام

place in 9 A.H., the Muslims first met with reprisals and then again they fell upon the polytheists. The man who killed a polytheist repeatedly stood and sat, each time enquiring whether there was anybody who witnessed that he had killed a polytheist. On proof of Abu Bakr, the man got the booty with which he purchased a garden of Banu Salmah.

1069. Najdah was the name of the leader of the Kharijites. Harur was his native village. This shows that reading and writing were not then totally unknown in the then Arab society.

with him. When it was dawn, Abdur Rahman Fejari attacked the camel of the Holy Prophet. I got up then on the stirrup, came to Medina and shouted thrice: O companions! I came out in quest of the people, striking them with bow, and exclaiming in rhyme: "I am the son of Akwa'a, I say; The day of the ignobles is to-day." 1070 I continued throwing arrows at them and driving them away till I left behind my back what Allah created for camels out of the camels of the Ms. of Allah. Then I marched forward throwing arrows at them till they left more than 30 gowns and 30 lances to make them light (for fleeing). They did not leave anything but I put a signal of stone on it, which the Ms. of Allah and his companions would (be able to) recognise, till I saw the cavalry of the Ms. of Allah. Abu Qatadah, one horseman of the Ms. of Allah, met Abdur Rahman and killed him. Then the Ms. of Allah exclaimed: The best of the cavalries to-day is Abu Qatadah and the best of the infantries to-day is

رسول الله صلعم و انا معه فلما اصبحنا
اذا عبد الرحمن الفزاري قد اغار على
ظهر رسول الله صلعم فقمت على اكمة
فاستقبلت المدينة فناديت ثلثا يا
صباحاه ثم خرجت في اثار القوم ارميهم
بالنبل و ارتجز اقول انا ابن
الاكوع * و اليوم يوم الرضع * فما زلت
ارميهم و اعقر بهم حتى ما خلق الله
من بعير من ظهر رسول الله صلعم الا
خلفته وراء ظهري ثم اتبعتهم ارميهم
حتى القوا اكثر من ثلثين بردة و
ثلثين رمحا يستخفون و لا يطرحون
شيئا الا جعلت عليه اراما من الحجارة
يعرفها رسول الله صلعم و اصحابه حتى
رايت فوارس رسول الله صلعم و لحق
ابو قتادة فارس رسول الله صلعم بعبد
الرحمن فقتله قال رسول الله صلعم خير
فرساننا اليوم ابو قتادة و خير رجالتنا
سلمة قال ثم اعطاني رسول الله صلعم

1070. To-day is the day of the ignobles means that to-day the polytheists would be completely routed and they would be put to extreme humiliation.

Salamah. He narrated : Then the Ms. of Allah gave me two shares, one share of a horseman and one share of a footman and mixed them together for me. The Apostle of Allah then took me behind him on 'Ajaba'a' on (his) return to Medina. —*Muslim.*

سهمين سهم الفارس و سهم الراجل فجمعهما لي جميعا ثم اردفني رسول الله صلعم وراءه على العضباء راجعين الى المدينة * (مسلم)

146. **Ibn Omar** reported that the Holy Prophet gave us one share more from the 1/5th [1071] than our fixed shares. I got one sharif, and sharif is a she-camel of extreme old age. —*Agreed.*

عن ابن عمر قال نفلنا رسول الله صلعم نفلا سوى نصيبنا من الخمس فاصابني شارف و الشارف المسن الكبير * (متفق عليه)

147. **Ibn Omar** reported that the Prophet often gave excess to some who were sent in the infantry as special to themselves besides their portions among the entire army. —*Agreed.*

عن ابن عمر ان رسول الله صلعم كان ينفل بعض من يبعث من السرايا لانفسهم خاصة سوى قسمة عامة الجيش * (متفق عليه)

148. **Same** reported that a horse of his went out and the enemies caught hold of it. Afterwards the Muslims were victorious over them, and it was returned to him (owner) at the time of the Prophet. In another narration : A slave of his fled away and went to Rome. Afterwards the Muslims gained victory over them (the Romans). He was then returned to Khalid-b-Walid after the Prophet. —*Bukhari.*

عنه قال ذهب فرس له فاخذها العدو فظهر عليهم المسلمون فرد عليه في زمن رسول الله صلعم و في رواية ابق عبد له فلحق بالروم فظهر عليهم المسلمون فرد عليه خالد بن الوليد بعد النبي صلعم * (البخاري)

1071. 1/5th share was the share of the Prophet and Allah. From this share, the Prophet often gave to those soldiers in excess as showed special aptitude and

149. Jubair-b-Mut'em reported: Osman and myself went to the Prophet on foot and said: You have given from the 1/5th of Khaiber to the children of Muttaleb and deprived us while we are in the same rank with you. He said: Verily the children of Hashem and the children of Muttaleb are the same. Jubair said: The Prophet did not leave anything by division for the children of Abd Shams and of Naufal. —*Bukhari.*

عن جبير بن مطعم قال مشيت انا وعثمان بن عفان الى النبي صلعم فقلنا اعطيت بني المطلب من خمس خيبر وتركتنا ونحن بمنزلة واحدة منك فقال انما بنو هاشم وبنو المطلب شيء واحد قال جبير ولم يقسم النبي صلعم لبني عبد شمس وبني نوفل شيئا * (البخاري)

150. Abu Hurairah reported that the Messenger of Allah said: To whichever village you go and settle therein, there is your share therein, and whichever village disobeys Allah and his Messenger, its 1/5th is for Allah and His Messenger, and the remainder is for you. 1072 —*Muslim.*

عن ابي هريرة قال قال رسول الله صلعم ايما قرية اتيتموها واقمتم فيها فسهمكم فيها وايما قرية عصت الله ورسوله فان خمسها لله ولرسوله ثم هي لكم * (مسلم)

151. Khaolah al-Ansariyyah reported: I heard the Messenger of Allah say: There are people who are extravagant with the property of Allah, 1073 without just cause. For them

عن خولة الانصارية قالت سمعت رسول الله صلعم يقول ان رجالا يتخوضون في مال الله بغير حق فلهم النار

bravery in battle. This share of the Prophet was reserved for the poor and helpless.

1072. The village that is acquired without any fight is the right of everyone as it is included within 'Fai' property. The Holy Prophet had no 1/5th share therein. In villages which were acquired by fight, the Holy Prophet had 1/5th share for the needy and the poor, and the remainder belonged to the soldiers who actually took part.

1073. Properties of Allah are the booties and Zakat.

there will be the fire on the Resurrection Day. —*Bukhari.*

152. **Abu Hurairah** reported: The Messenger of Allah one day took his stand among us and narrated about the breaches of trust (regarding booty). He considered it very serious and its sanction too great. He described: I should never find any of you coming on the Resurrection Day with a camel over his neck which will have grumbled saying: O Ms. of Allah, help me. I shall then say: I don't control anything for you of which I gave you message. I should never find any of you coming on the Resurrection Day with a horse upon his neck which will have neighed, saying: O Ms. of Allah, help me. I shall then say: I don't control anything for you of which I gave you message. I should never find any of you coming on the Resurrection Day with a goat upon his neck which will have bleated, saying: O Ms. of Allah! help me. I shall then say: I do not control anything for you of which I gave you message. I should never find any of you coming on the Resurrection Day with a man upon his back who

يَوْمَ الْقِيَامَةِ * (البخاري)

عَنْ أَبِي هُرَيْرَةَ قَالَ قَامَ فِينَا رَسُولُ اللهِ صلعم ذَاتَ يَوْمٍ فَذَكَرَ الْغُلُولَ فَعَظَّمَهُ وَعَظَّمَ أَمْرَهُ ثُمَّ قَالَ لَا أُلْفِيَنَّ أَحَدَكُمْ يَجِيءُ يَوْمَ الْقِيَامَةِ عَلَى رَقَبَتِهِ بَعِيرٌ لَهُ رُغَاءٌ يَقُولُ يَا رَسُولَ اللهِ أَغِثْنِي فَأَقُولُ لَا أَمْلِكُ لَكَ شَيْئًا قَدْ أَبْلَغْتُكَ لَا أُلْفِيَنَّ أَحَدَكُمْ يَجِيءُ يَوْمَ الْقِيَامَةِ عَلَى رَقَبَتِهِ فَرَسٌ لَهُ حَمْحَمَةٌ فَيَقُولُ يَا رَسُولَ اللهِ أَغِثْنِي فَأَقُولُ لَا أَمْلِكُ لَكَ شَيْئًا قَدْ أَبْلَغْتُكَ لَا أُلْفِيَنَّ أَحَدَكُمْ يَجِيءُ يَوْمَ الْقِيَامَةِ عَلَى رَقَبَتِهِ شَاةٌ لَهَا ثُغَاءٌ يَقُولُ يَا رَسُولَ اللهِ أَغِثْنِي فَأَقُولُ لَا أَمْلِكُ لَكَ شَيْئًا قَدْ أَبْلَغْتُكَ لَا أُلْفِيَنَّ أَحَدَكُمْ يَجِيءُ يَوْمَ الْقِيَامَةِ عَلَى رَقَبَتِهِ نَفْسٌ لَهَا صِيَاحٌ فَيَقُولُ يَا رَسُولَ اللهِ أَغِثْنِي فَأَقُولُ لَا أَمْلِكُ

will have a cry, saying: O Ms. of Allah! help me. I will then say: I don't control for you anything of which I gave you message. I should never find any of you coming on the Resurrection Day with heaps of old rags on his neck, saying: O Ms. of Allah, help me. I shall then say: I don't control for you anything of which I gave you message. I should never find any of you coming on the Resurrection Day with coins upon his neck saying: O Ms. of Allah! help me. I shall then say: I don't control anything of which I gave you message. —*Agreed.*

153. **Same** reported that a a man presented a slave called Med'am to the Ms. of Allah. While Med'am was marking a saddle for the Prophet, a fatal shot pierced him and killed him. People said: A pleasant thing for him is Paradise! The Holy Prophet said: Never, by One in whose hand there is my life, the sheet which he took on the Day of Khaiber out of booties, and which the divisions did not include is certainly burning him as fire. When the people heard that, a man came with a strap of shoe or

لك شيئا قد ابلغتك لا الفين احدكم يجيء يوم القيمة على رقبته رقاع تخفق فيقول يا رسول الله اغثني فاقول لا املك لك شيئا قد ابلغتك لا الفين احدكم يجيء يوم القيمة على رقبته صامت فيقول يا رسول الله اغثني فاقول لا املك لك شيئا قد ابلغتك *

(متفق عليه)

عنه قال اهدى رجل لرسول الله صلعم غلاما يقال له مدعم فبينما مدعم يحط رحلا لرسول الله صلعم اذا اصابه سهم عائر فقتله فقال الناس هنيئا له الجنة فقال رسول الله صلعم كلا والذي نفسي بيده ان الشملة التي اخذها يوم خيبر من المغانم لم تصبها المقاسم لتشتعل عليه نارا فلما سمع ذلك الناس جاء رجل بشراك او شراكين الى النبي صلعم

two straps to the Ms. Allah. He said: A strap from the fire or two straps from the fire. —*Agreed.*

فقال شراك من نار او شراكان من نار * (متفق عليه)

151. **Abdullah-b-Amr** reported that a man called Kerkerah was in (charge of) the goods of the Prophet. He died. Then the Ms. of Allah said: He is in the fire. Then they went to have a look (at him) and found a cloak about which he committed breach of trust.[1074] —*Bukhari.*

عن عبد الله بن عمرو قال كان على ثقل النبي صلعم رجل يقال له كركرة فمات فقال رسول الله صلعم هو في النار فذهبوا ينظرون فوجدوا عباءة قد غلها * (البخاري)

155. **Abdullah-b-Mugaffal** reported: I got a leather bag of fat on the Day of Khaiber. I lifted it up and said: I shall not give anything therefrom to anybody to-day. Then I looked when lo! the Holy Prophet was smiling at me. —*Agreed.*

عن عبد الله بن مغفل قال اصبت جرابا من شحم يوم خيبر فالتزمته فقلت لا اعطي اليوم احدا من هذا شيئا فالتفت فاذا رسول الله صلعم يتبسم الي * (متفق عليه)

156. **Ibn Omar** reported: We used to take honey and grape in our wars and eat them and not to take them. (for division)[1075] —*Bukhari.*

عن ابن عمر قال كنا نصيب في مغازينا العسل والعنب فناكله ولا نرفعه (البخاري)

157. **Abu Omamah** reported from the Prophet who said: Verily Allah gave me superiority over all the Prophets;

عن ابي امامة عن النبي صلعم قال ان الله فضلني على الانبياء او قال فضل

1074. Treachery is a great sin specially treachery in booties. The thing robbed would be the cause of punishment on the Resurrection Day. The booties that remain in the battle field must be taken to the commander. He will divide them among his soldiers.

1075. It is unanimously lawful for the warriors in holy wars to partake of food from the booties as much as they require on the spot before they are divided.

أمتي على الأمم وأحل لنا الغنائم * (الترمذي)

or he said: He gave my people superiority over all the nations, and He made the booties lawful for us. —*Tirmizi.*

عن عوف بن مالك وخالد بن وليد أن رسول الله صلعم قضى في السلب للقاتل لم يخمس السلب * (أبو داود)

158. **Auf-b-Malik** and Khalid-b-Walid reported that the Holy Prophet gave decision of the goods (of the killed) for one who kills. He did not include the goods within the ⅕th share.

—*Abu Daud.*

عن عبد الله بن مسعود قال نفلني رسول الله صلعم يوم بدر سيف أبي جهل وكان قتله * (أبو داود)

159. **Abdullah-b-Mas'ud** reported: The Prophet gave me the sword of Abu Jahl in excess on the Day of Badr. And he had killed him.

—*Abu Daud.*

عن عمير مولى أبي اللحم قال شهدت خيبر مع سادتي فكلموا في رسول الله صلعم وكلموه أني مملوك فأمرلي فقلدت سيفا فإذا أنا أجره فأمرلي بشيء من خرثي المتاع وعرضت عليه رقية كنت أرقي بها المجانين فأمرني بطرح بعضها وحبس بعضها رواه الترمذي وأبو داود إلا أن روايته انتهت عند قوله المتاع *

160. **Omair**, a freed slave of Abu Laham, reported: I was present at Khaiber with my masters. They talked of me to the Prophet (for booty) and they informed him that I am a slave. He passed order for me. I was then garlanded with a sword. Then I was dragging it, he passed order for something of the principal booties. I asked for an amulet with which I used to cure the mad. Then he ordered me to throw off some of these (amulets) and retain some. —*Tirmizi and Abu Daud narrated it except that his narration ended with his saying* 'goods'.

161. **Muzamme'-b-Jariyah** reported: (The booty of) Khaiber was divided among those who were at Hudaibiyyah. The Messenger of Allah divided it into 18 shares, while the army was of one thousand and five hundred strong, of whom three hundred were horsemen. He gave two shares to each horseman and one share to each footman. —*Abu Daud.*

عَنْ مُجَمِّعِ بْنِ جَارِيَةَ قَالَ قُسِمَتْ خَيْبَرُ عَلَى أَهْلِ الْحُدَيْبِيَةِ فَقَسَمَهَا رَسُولُ اللّٰهِ صلعم ثَمَانِيَةَ عَشَرَ سَهْمًا وَكَانَ الْجَيْشُ أَلْفًا وَخَمْسَمِائَةٍ فِيهِمْ ثَلثُمِائَةِ فَارِسٍ فَأَعْطَى الْفَارِسَ سَهْمَيْنِ وَالرَّاجِلَ سَهْمًا * (ابو داود)

162. **Habib-b-Maslamah Al-Fehri** reported: I saw the Prophet giving one-fourth share in excess at the beginning and one-third at the return.[1076] —*Abu Daud.*

عَنْ حَبِيبِ بْنِ مَسْلَمَةَ الْفِهْرِيِّ قَالَ شَهِدْتُ النَّبِيَّ صلعم نَفَّلَ الرُّبُعَ فِي الْبَدْأَةِ وَالثُّلُثَ فِي الرَّجْعَةِ *(ابو داود)

163. **Same** reported that the Holy Prophet used to give excess of one-fourth share after the one-fifth share, and one-third share after the one fifth share when he returned. —*Abu Daud.*

عَنْهُ أَنَّ رَسُولَ اللّٰهِ صلعم كَانَ يُنَفِّلُ الرُّبُعَ بَعْدَ الْخُمُسِ وَالثُّلُثَ بَعْدَ الْخُمُسِ إِذَا قَفَلَ * (ابو داود)

164. **Abul Juwairiyah-al Jarmiy** reported: I found in the land of Rome a red pot wherein were gold coins during the rule of Muwayiah. There was a man over us named Ma'an-b-Yezid of Banu Solaim tribe out of the companions

عَنْ أَبِي الْجُوَيْرِيَةِ الْجَرْمِيِّ قَالَ أَصَبْتُ بِأَرْضِ الرُّومِ جَرَّةً حَمْرَاءَ فِيهَا دَنَانِيرُ فِي إِمْرَةِ مُعَاوِيَةَ وَعَلَيْنَا رَجُلٌ مِنْ أَصْحَابِ رَسُولِ اللّٰهِ صلعم مِنْ بَنِي سُلَيْمٍ

1076. Those who received additional booties in excess of their legal shares with others suffered hardship more than the ordinary soldiers. The first batch came to the field when no enemy was seen, and the last batch remained in the field with a careful watch on the movements of the enemies.

of the Holy Prophet. I came to him therewith, whereupon he divided them among the Muslims. He gave me therefrom equal to what he had given to a man among them. Then he said: Had I not heard the Holy Prophet say: There is no excess except after the one-fifth share, I would have surely given you.[1077] —*Abu Daud.*

فقال له معن بن يزيد فاتيته بها فقسمها بين المسلمين و اعطاني منها مثل ما اعطى رجلا منهم ثم قال لولا اني سمعت رسول الله صلعم يقول لا نفل الا بعد الخمس لاعطيتك * (ابو داود)

165. **Abu Musa al-Ash'ari** reported: We came (from Abyssinia) and found the Holy Prophet in cheer when he conquered Khaiber. He allotted a share to us, (or he said) he gave us therefrom. He did not give anything therefrom to anybody who was absent from the conquest of Khaiber except to one who was present with him, with the exception of the comrades of our boat—Ja'far and his companions. He gave them a share along with them.[1078] —*Abu Daud.*

عن ابي موسى الاشعري قال قدمنا فوافقنا رسول الله صلعم حين افتتح خيبر فاسهم لنا او قال فاعطانا منها و ما قسم لاحد غاب عن فتح خيبر منها شيئا الا لمن شهد معه الا اصحاب سفينتنا جعفرا و اصحابه اسهم لهم معهم * (ابو داود)

166. **Yezid-b-Khalid** reported that one of the companions

عن يزيد بن خالد ان رجلا من

1077. This is a 'Fai' property in which there is no ⅕th share and consequently no excess could have been given.

1078. Abu Musa came from Yemen to Mecca and accepted Islam. After that he migrated to Abyssinia along with Ja'far-b-Abu Taleb and others. When they heard migration of the Prophet from Mecca to Medina, they all embarked on a boat for Medina and reached there just after the conquest of Khaiber. They got booty as they were present at the time of the division of spoils.

of the Prophet died on the Day of Khaiber. They mentioned it to the Prophet. He said: Lead prayer over your companion. The faces of the people became changed on that account. Then he said: Verily your companion acted treacherously in the way of Allah. We then searched his goods and found a shell out of the shells of the Jews which was not equivalent (in value) to two dirhams.

—*Malek, Abu Daud, Nisai.*

أصحاب رسول الله صلعم توفي يوم خيبر فذكروا لرسول الله صلعم فقال صلوا على صاحبكم فتغيرت وجوه الناس لذلك فقال إن صاحبكم غل في سبيل الله ففتشنا متاعه فوجدنا خرزا من خرز يهود لا يساوي درهمين *

(مالك وأبو داود والنسائي)

157. **Amr-b-Shuaib** reported from his father who from his grand-father reported that the Holy Prophet, Abu Bakr and Omar burnt the goods of a treacherous man and beat him.

—*Abu Duad.*

عن عمرو بن شعيب عن أبيه عن جده أن رسول الله صلعم وأبا بكر وعمر حرقوا متاع الغال وضربوه * (ابو داود)

168. **Abdullah-b-Amr** reported that when the Holy Prophet gained a booty, he used to order Bilal who proclaimed among men. Then they used to come with their booties. He used then to take out the one-fifth share therefrom, and divide them (the rest). One day a man arrived after that with a rein of hair and said: O Ms. of Allah! this is what we acquired from the booty. He asked: Have you heard Bilal proclaim thrice? 'Yes'

عن عبد الله بن عمرو (رض) قال كان رسول الله صلعم إذا أصاب غنيمة أمر بلالا فنادى في الناس فيجيئون بغنائمهم فيخمسه ويقسمه فجاء رجل يوما بعد ذلك بزمام من شعر فقال يا رسول الله هذا فيما كنا أصبناه من الغنيمة

said he. Then he said: What prevented you to come therewith? He offered an excuse. He said: Be (so); you will thus come therewith on the Resurrection Day but I shall never accept it from you.[1079] —*Abu Daud.*

قال أسمعت بلالا نادى ثلاثا قال نعم قال فما منعك أن تجيء به فاعتذر قال كن أنت تجيء به يوم القيمة فلن أقبله عنك * (ابو داود)

169. **Samorah-b-Jundub** reported that the Holy Prophet used to say: Whoso conceals a treacherous man is surely similar to him. —*Abu Daud.*

عن سمرة بن جندب قال كان رسول الله صلعم يقول من يكتم غالا فانه مثله * (ابو داود)

170. **Abu Sayeed** reported that the Holy Prophet prohibited the purchase of booties till they were divided. —*Tirmizi.*

عن أبي سعيد قال نهى رسول الله صلعم عن شرى المغانم حتى تقسم * (الترمذي)

171. **Khaulah-bn-Qais** reported: I heard the Messenger of Allah say: Verily this property (booty) is green, sweet. Whoso gains it in a just manner, blessing is given to him therein; and many extravagant men there are whose minds wish for it from the property of Allah and His Prophet; there will be nothing for them on the Resurrection Day except the fire. —*Tirmizi.*

عن خولة بنت قيس قال سمعت رسول الله صلعم يقول إن هذا المال خضرة حلوة فمن أصابه بحقه بورك له فيه ورب متخوض فيما شاءت به نفسه من مال الله ورسوله ليس له يوم القيمة إلا النار * (الترمذي)

172. **Ibn Abbas** reported that the Prophet gained his sword *Zul-Fiqar* in excess at the battle of Badr. *Ibn Majah*

عن ابن عباس أن النبي صلعم تنفل سيفه ذا الفقار يوم بدر رواه ابن

1079. Prophet's management of the booties was so excellent that not a single hair was left from division among his companions. He did not accept the thing, because it came after the division of booties. So careful was he in the division of the spoils of war.

narrated it. Tirmizi added: And he it was who saw in dream about it on the Day of Uhud.

ماجة و زاد الترمذي و هو الذي رأى فيه الرؤيا يوم احد *

173. **Rowaife-b-Sabit** reported that the Holy Prophet said: Whoso believes in Allah and the Last Day, let him not ride upon a beast of Fai-booty of the Muslims; even when he makes it thin, he should return it therein. And whoso believes in Allah and the Last Day, let him not put on a cloth of 'Fai-booty' of the Muslims; even when it grows old, he should return it therein. —*Abu Daud.*

عن رويفع بن ثابت ان النبي صلعم قال من كان يؤمن بالله و اليوم الاخر فلا يركب دابة من فيء المسلمين حتى اذا اعجفها ردها فيه و من كان يؤمن بالله و اليوم الاخر فلا يلبس ثوبا من فيء المسلمين حتى اذا اخلقه رده فيه *

(ابو داود)

174. **Muhammad-b-Abil Mujahed** reported from Abdullah -b-Abi Aufa who said: I asked: Did you take out the one-fifth share from food-grains at the time of the Apostle of Allah? He replied: We gained food on the Day of Khaiber, and the people used to come and take such measure as would suffice them and then go away. —*Abu Daud.*

عن محمد بن ابي المجاهد عن عبد الله بن ابي اوفى قال قلت هل كنتم تخمسون الطعام في عهد رسول الله صلعم قال اصبنا طعاما يوم خيبر و كان الرجل يجيء فياخذ منه مقدار ما يكفيه ثم ينصرف * (ابو داود)

175. **Ibn Omar** reported that an army took food-grains and honey as booty during the time of the Apostle of Allah, but one-fifth share was not taken out from them. —*Abu Daud.*

عن ابن عمر ان جيشا غنموا في زمن رسول الله صلعم طعاما و عسلا فلم يؤخذ منهم الخمس * (ابو داود)

176. **Qasem**, a freed slave of Abdur Rahman, reported from

عن القاسم مولى عبد الرحمن عن

a certain companion of the Prophet: We used to eat she-camel in battles and not divide it, so much so that we returned to our conveyances with our bags full of it (meat).

—*Abu Daud.*

أصحاب النبي صلعم قال كنا نأكل
الجزور في الغزو ولا نقسمه حتى إنا
كنا لنرجع إلى رحالنا وأخرجتنا منه
مملوة * (ابو داود)

177. **Obadah b-Swa'met** reported that the Prophet used to say: Return (even) the thread and the needle. Be careful of breach of trust, because it will return to him who resorts to it on the Resurrection Day.[1090]

—*Nisai, Darimi.*

عن عبادة بن الصامت ان النبي صلعم كان
يقول أدوا الخياط والمخيط وإياكم و
الغلول فإنه عار على أهله يوم القيمة *
(النسائي و الدارمي)

178. **Amr-b-Shuaib** reported from his father who from his grandfather heard that the Prophet came near a camel and took a tuft of hairs from its hump. Then he said: O men! there is nothing for me out of this *Fai*, nor even this (and he raised up his hands) except the ⅕th share and the one-fifth portion is also to be returned to you. So pay back the thread and the needle. A man got up with a bundle of hairs in his hand and said: I have taken this to mend therewith a rug. The Holy Prophet said: As for what is for me and Banu-Mattaleb, it is for you. He said: When it will reach

عن عمرو بن شعيب عن أبيه عن
جده قال دنا النبي صلعم من بعير فأخذ
وبرة من سنامه ثم قال يأيها الناس إنه
ليس لي من هذا الفيء شيء ولا هذا
ورفع إصبعه إلا الخمس والخمس
مردود عليكم فأدوا الخياط والمخيط
فقام رجل في يده كبة من شعر فقال
أخذت هذه لأصلح بها بردعة فقال النبي
صلعم أما ما كان لي ولبني عبد المطلب

1090. Darimi narrated from this reporter, but Nisai narrated from Amr-b-Shuaib from his father who narrated it from his grandfather.

what I see, there will be no necessity for me therein. He threw it off. —*Abu Daud.*

179. **Amr-b-Abasah** reported that the Holy Prophet prayed with us towards a camel of booty. When he returned greeting, he took a fur from one side of the camel and said: It is not lawful for me (even) like this out of your booties except the one-fifth share, and the one-fifth share is to be returned to you.—*Abu Daud.*

180. **Abdur Rahman-b-Auf** reported: Verily I was waiting in a rank on the Day of Badr. I looked towards my right and my left when lo! I was by the side of two boys of the Ansars who were of tender age. I wished that I should be in the midst of their strong bodies. One of them winked at me and said: O uncle! do you know Abu Jahl? 'Yes' said I, 'what is then your necessity for him, O son of my brother'? He said: I was informed that he abuses the Messenger of Allah, and by One in whose Hand there is my life, if I see him, my body will not be separate from his body, till one who is the swifter among us dies. He said: I wondered at that. He said: Then the other

فهو لك فقال اما اذا بلغت ما ارى فلا
ارب لي فيها ونبذها * (ابو داود)

عن عمرو بن عبسة قال صلى بنا
رسول الله صلعم الى بعير من المغنم فلما
سلم اخذ وبرة من جنب البعير ثم قال
ولا يحل لي من غنائمكم مثل هذا الا
الخمس والخمس مردود فيكم *
(ابو داود)

عن عبد الرحمن بن عوف قال
اني لواقف في الصف يوم بدر فنظرت
عن يميني وشمالي فاذا انا بغلامين
من الانصار حديثة اسنانهما فتمنيت
ان اكون بين اضلع منهما فغمزني
احدهما فقال اي عم هل تعرف ابا جهل
قلت نعم فما حاجتك اليه يا ابن اخي
قال اخبرت انه يسب رسول الله صلعم
والذي نفسي بيده لئن رايته لا يفارق
سوادي سواده حتى يموت الاعجل منا
قال فتعجبت لذلك وقال وغمزني الآخر

winked at me and said to me like this ; I did not make delay in looking towards Abu Jahl who was moving among the people, I said : Do you not see this man, your friend about whom you both asked me ? He narrated : Then the both hastenend towards him with their swords and attacked him till they killed him. Then they went to the Messenger of Allah and informed him. He asked : Who among you two killed him ? Each of them both said : I have killed him. He asked : Have you wipped off your swords ? 'No' said they. Then the Messenger of Allah looked towards the two swords and said : Both of them have killed him. The Messenger of Allah gave decision regarding his properties for Mu'az-b-Amr-b-Jumuh and the two men—Mu'az-b-Amr-b-Jumuh and Mu'az-b-Afra'a. 1030a.
—*Agreed.*

فَقَالَ لِي مِثْلَهَا فَلَمْ أَنْشَبْ أَنْ نَظَرْتُ إِلَى أَبِي جَهْلٍ يَجُولُ فِي النَّاسِ فَقُلْتُ أَلَا تَرَيَانِ هٰذَا صَاحِبُكُمَا الَّذِي تَسْأَلَانِي عَنْهُ قَالَ فَابْتَدَرَاهُ بِسَيْفَيْهِمَا فَضَرَبَاهُ حَتَّى قَتَلَاهُ ثُمَّ انْصَرَفَا إِلَى رَسُولِ اللّٰهِ صلعم فَأَخْبَرَاهُ فَقَالَ أَيُّكُمَا قَتَلَهُ فَقَالَ كُلُّ وَاحِدٍ مِنْهُمَا أَنَا قَتَلْتُهُ فَقَالَ هَلْ مَسَحْتُمَا سَيْفَيْكُمَا فَقَالَا لَا فَنَظَرَ رَسُولُ اللّٰهِ صلعم إِلَى السَّيْفَيْنِ فَقَالَ كِلَاكُمَا قَتَلَهُ وَقَضَى رَسُولُ اللّٰهِ صلعم بِسَلَبِهِ لِمُعَاذِ بْنِ عَمْرِو بْنِ الْجَمُوحِ وَالرَّجُلَانِ مُعَاذُ بْنُ عَمْرِو بْنِ الْجَمُوحِ وَمُعَاذُ بْنُ عَفْرَاءَ * (مُتَّفَقٌ عَلَيْهِ)

181. **Anas** reported that the Apostle of Allah said on the Day of Badr : Who will examine for us what Abu Jahl has done ? Then Ibn Mas'ud went and found that the sons of Afra'a had already killed him till he became cold (with death). He

عَنْ أَنَسٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم يَوْمَ بَدْرٍ مَنْ يَنْظُرُ لَنَا مَا صَنَعَ أَبُو جَهْلٍ فَانْطَلَقَ ابْنُ مَسْعُودٍ فَوَجَدَهُ قَدْ ضَرَبَهُ ابْنَا عَفْرَاءَ حَتَّى بَرَدَ قَالَ فَأَخَذَ بِلِحْيَتِهِ فَقَالَ

1030a. It has been narrated in another tradition that Ibn Mas'ud killed Abu Jahl. The fact is that he only severed his head from his body when he was actually put to death by those young men.

narrated: Then he caught hold of his beard and said: You are Abu Jahl? He asked: Is there any-one greater than one whom you have killed? And in a narration. He said: Would that one besides a cultivator were to kill me![1031] —*Agreed.*

أنت أبو جهل فقال وهل فوق رجل قتلتموه
وفي رواية قال فلو غير أكار قتلني *
(متفق عليه)

182. **Sa'ad-b-Abi Waqqas** reported that the Messenger of Allah gave (something) to a party while I was sitting. The Apostle of Allah left out from them one man who appeared to me to be the most excellent of them. I asked: What is the matter with you about so and so? By Allah, I certainly consider him to be a believer. Then the Apostle of Allah said: Rather a Muslim. Sa'ad repeated that thrice, and he replied him like that. Then he said: Verily I give a man while another is dearer to me than him, being afraid that the former may be cast unto the fire upon his face.[1032] —*Agreed.*

عن سعد بن أبي وقاص قال أعطى
رسول الله صلعم رهطا وأنا جالس فترك
رسول الله صلعم منهم رجلا هو أعجبهم
إلي فقمت فقلت مالك عن فلان والله
إني لأراه مؤمنا فقال رسول الله صلعم
أو مسلما ذكر ذلك سعد ثلاثا وأجابه
بمثل ذلك ثم قال إني لأعطي الرجل
وغيره أحب إلي منه خشية أن يكب
في النار على وجهه * (متفق عليه)

183. **Ibn Omar** reported that the Apostle of Allah took stand, that is, on the Day of Badr, and said: Verily Osman retreated

عن ابن عمر أن رسول الله صلعم قام
يعني يوم بدر فقال إن عثمان انطلق في

1031. The Ansars were cultivators and the Meccans were tradesmen. Therefore the two young men of the Ansars who killed him were termed as cultivators.

1032. The man did not want booty on the ground that he was not a perfect believer though he was a Muslim. Prophet however disliked it and said that every Muslim believing in the Prophethood of Muhammad and unity of God is entitled to get booty. See note 36 for the meanings of 'believer' and 'Muslim'. Zuhri said in this tradition We consider that Islam is the formula of faith and I'man is the pious action.

for the need of Allah and the need of His Prophet, and verily I take allegiance to him. Then the Apostle of Allah fixed a share for him while he did not fix for anybody who was absent excepting him.[1033] —*Abu Daud.*

حاجة الله وحاجة رسوله وإني أبايع له فضرب له رسول الله صلعم بسهم ولم يضرب لأحد غاب غيره * (أبوداود)

184. **Rafe'-b-Khadiz** reported that the Apostle of Allah used to make ten goats equal to one camel in dividing the booties. —*Nisai.*

عن رافع بن خديج قال كان رسول الله صلعم يجعل في قسم المغانم عشرا من الشاء ببعير * (النسائي)

185. **Abu Hurairah** reported that a Prophet out of the Prophets intended to fight and so said to his people: A man who made lawful the private part of a woman intending to cohabit with her but who has not so cohabited with her shall not follow me, nor anybody who has built houses without raising up his terraces, nor a man who purchased pregnant sheep or camels hoping their young ones. Then he intended to fight and marched to a village at the time of afternoon prayer or near that. He said to the sun: Verily you have been ordered and I have been also ordered. O Allah, confine it over us. And so it was confined till Allah

عن أبي هريرة قال قال النبي صلعم غزى نبي من الأنبياء فقال لقومه لا يتبعني رجل ملك بضع امرأة وهو يريد أن يبني بها ولم يبن بها ولا أحد بنى بيوتا ولم يرفع سقوفها ولا رجل اشترى غنما أو خلفات وهو ينتظر ولادها فغزا فدنا من القرية صلوة العصر أو قريبا من ذلك فقال للشمس إنك مأمورة وأنا مأمور اللهم احبسها علينا فحبست حتى

1033. The Holy Prophet's daughter Ruqiyah was married to Osman. She fell seriously ill when both the Prophet and Osman went to Badr. The Prophet sent Osman from the battle-field to nurse her daughter at Medina.

made an opening for him. Then he collected the booties and fire came to devour them but it did not devour them. He said: Verily there is treachery among you. So let one man from every tribe take allegiance of oath to me. Then the hand of a man was put upon his hand and he said: There is treachery among you. Then they came with a golden head like the golden head of a cow and placed it. Afterwards the fire appeared and devoured it. And in a narration, he added: The booties were not lawful for anybody before us. Afterwards Allah made the booties lawful for us. He saw our weakness and incompetence and He made them lawful for us. —*Agreed.*

186. **Ibn Abbas** reported: Omar informed me that when the battle of Khaiber was fought, a party from the companions of the Messenger of Allah approached and said, "So and so is a martyr and so and so is a martyr," till they passed by a man and said "So and so is a martyr." 'Never', retorted the Apostle of Allah "I have found him in the fire about a gown (or over-coat) over which he committed

فتح الله عليه فجمع الغنائم فجاءت يعني
النار لتأكلها فلم تطعمها فقال إن فيكم
غلولا فليبايعني من كل قبيلة رجل
فلزقت يد رجل بيده فقال فيكم الغلول
فجاؤوا برأس مثل رأس بقرة من
الذهب فوضعها فجاءت النار فأكلتها
وزاد في رواية فلم تحل الغنائم لأحد
قبلنا ثم أحل الله لنا الغنائم رأى ضعفنا
وعجزنا فأحلها لنا * (متفق عليه)

عن ابن عباس قال حدثني عمر
قال لما كان يوم خيبر أقبل نفر من
صحابة النبي صلعم فقالوا فلان شهيد وفلان
شهيد حتى مروا على رجل فقالوا فلان
شهيد فقال رسول الله صلعم كلا إني
رأيته في النار في بردة غلها أو عباءة
ثم قال رسول الله صلعم يا ابن الخطاب

treachery.' Then the Ms. of Allah said : O son of Khattab, go and proclaim thrice among men that none but the believers will enter Paradise. He said : Then I went out and proclaimed thrice : Behold ! none but the believers shall enter Paradise. —*Muslim.*

اذهب فنادي في الناس انه لا يدخل الجنة
الا المؤمنون ثلثا قال فخرجت فناديت
الا انه لا يدخل الجنة الا المؤمنون ثلثا
(مسلم)

326w. **Anas** reported that the Apostle of Allah said : Whoso kills an infidel this day, that is the day of Hunain, there is for him his goods. Abu Talha killed 20 persons on that day and took their goods. —*Darimi.*

عن انس قال قال رسول الله صلعم
يومئذ يعني يوم حنين من قتل كافرا
فله سلبه فقتل ابو طلحة يومئذ عشرين
رجلا واخذ اسلابهم * (الدارمي)

327w. **Abu Omamah** reported that the Prophet prohibited the sale of fixed shares (of booties) till they are divided. —*Darimi.*

عن ابي امامة عن النبي صلعم
نهى ان تباع السهام حتى تقسم *
(الدارمي)

328w. **Jubair-b-Mut'em** reported : When the Holy Prophet divided the share of the kith and kin among Banu Hashem and Banu Muttaleb, I and Osman came to him and said : O Ms. of Allah ! they are our brethren from the descendants of Hashim. We cannot deny favour to them owing to your position in which Allah has placed you among them, but inform about our brethren who came from the descendants of Muttaleb. You

عن جبير بن مطعم قال لما قسم رسول
الله صلعم سهم ذوي القربى بين بني هاشم
وبني المطلب اتيته انا وعثمان بن
عفان فقلنا يا رسول الله هؤلاء اخواننا
من بني هاشم لا ننكر فضلهم لمكانك
الذي وضعك الله منهم ارأيت اخواننا

have given them but deprived us, and verily our relationship and their relationship are the same. The Holy Prophet said: Verily the descendants of Hashim and the descendants of Muttaleb are the same like this (and he joined his fingers). 1084 —*Shafeyi.*

مِنْ بَنِي الْمُطَّلِبِ أَعْطَيْتَهُمْ وَتَرَكْتَنَا وَإِنَّمَا قَرَابَتُنَا وَقَرَابَتُهُمْ وَاحِدَةٌ فَقَالَ رَسُولُ اللهِ صلعم إِنَّمَا بَنُو هَاشِمٍ وَبَنُو الْمُطَّلِبِ شَيْءٌ وَاحِدٌ هٰكَذَا وَشَبَّكَ بَيْنَ أَصَابِعِهِ (الشافعي)

SECTION 9

1085. Fai Property

Fai is a property of the unbelievers as accrues to the Muslims without war. About this kind of property, the Holy Quran says: And whatever Fai Allah gave to His Apostle from them, you did not press forward against it any horse or riding camel, but Allah gives authority to His Apostles against whom He pleases, and Allah has power over all things. And whatever has Allah given to His Apostle as Fai from the peoples of the towns, it is for Allah and for the Apostle, and for the near of kin and the orphans and the needy and the way-farer, so that it may not be a thing taken by turns among the rich of you, and whatever the Apostle gives you accept it and from whatever he forbids you, keep back—59:67Q. It appears, therefore, that Fai means such of the properties of the unbelievers as accrues to the Muslims without war. It is not to be distributed like booty among the soldiers but it is for "Allah, His Apostle, near of kin, the orphans, the needy and the way-farers". It is to be divided just like ⅕th of the Prophet's share of the booty (see note 1064). After the demise of the Prophet, this property formed part of the Public Treasury spent for the poor Muslims and good of the community. It appers

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1084. Abu Daud and Nisai narrated like that with a slight difference.

however that some Caliphs apportioned the whole of this property for their personal comforts till Omar II restored it to its former use. The Holy Prophet used the properties of Banu Nazir for arms and ammunitions (23:188), Fedak for the travellers and Khaiber properties for his family and the Muslims in general—23:193. It was spent in the discretion of the Prophet for the good of Islam in general. It was not to be inherited. Once Hazrat Fatema claimed it before Abu Bakr who refused it to her on the ground that no Prophet can be inherited. This is indicated by the sentence "so that it may not be a thing taken by turns among the rich of you."

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187. **Malek-b-Aus** reported that Omar-b al-Khattab said: Verily Allah has particularised His Prophet regarding this Fai which He had not given to anybody besides him. Afterwards he read: Whatever Fai Allah has given from them upon His Prophet—up to His verse "Almighty".[1036] This became therefore the special property of the Apostle of Allah to meet, out of this property expenses of his family for one year, and then to take what remained and put it in the treasury of the property of Allah. —*Agreed.*

عَنْ مَالِكِ ابْنِ اَوْسٍ قَالَ قَالَ عُمَرُ بْنُ الْخَطَّابِ اِنَّ اللّٰهَ قَدْ خَصَّ رَسُولَهُ فِي هٰذَا الْفَيْءِ بِشَيْءٍ لَمْ يُعْطِهِ اَحَداً غَيْرَهُ ثُمَّ قَرَأَ مَا اَفَاءَ اللّٰهُ عَلَى رَسُولِهِ مِنْهُمْ اِلَى قَوْلِهِ قَدِيرٌ فَكَانَتْ هٰذِهِ خَالِصَةً لِرَسُولِ اللّٰهِ صلعم يُنْفِقُ عَلَى اَهْلِهِ نَفَقَةَ سَنَتِهِمْ مِنْ هٰذَا الْمَالِ ثُمَّ يَاْخُذُ مَا بَقِيَ فَيَجْعَلُ مَجْعَلَ مَالِ اللّٰهِ * (مُتَّفَقٌ عَلَيْهِ)

188. **Same** reported from Omar that there were the properties of Banu Nazir out of Fai which Allah gave to His Messenger on the ground that the Muslims did not

عَنْهُ عَنْ عُمَرَ قَالَ كَانَتْ اَمْوَالُ بَنِي النَّضِيرِ مِمَّا اَفَاءَ اللّٰهُ عَلَى رَسُولِهِ مِمَّا لَمْ يُوجِفِ الْمُسْلِمُونَ عَلَيْهِ بِخَيْلٍ وَلَا رِكَابٍ

1036. This is verse 59:6 Q.

acquire them on horse-back or any conveyance, so it was special for the Holy Prophet who was to spend it over his family maintenance of a year and then to spend what remained for armours and conveyances as ammunitions in the way of Allah.
—*Agreed.*

فكانت لرسول الله صلعم خاصة ينفق على أهله نفقة سنة ثم يجعل ما بقي في السلاح والكراع عدة في سبيل الله *
(متفق عليه)

189. **Auf-b-Malek** reported: When *Fai* came to the Prophet, he used to divide it on that very day and give two shares to a man with family and one share to a bachelor. Afterwards I was called. He gave me two shares, while I had a wife. Then he called Ammer-b-Yaser after me, and he was given one share. —*Abu Daud.*

عن عوف بن مالك أن رسول الله صلعم كان إذا أتاه الفيء قسمه في يومه فأعطى الآهل حظين وأعطى الأعزب حظا فدعيت فأعطاني حظين وكان لي أهل ثم دعي بعدي عمار بن ياسر فأعطي حظا واحدا * (أبو داود)

190. **Ibn Omar** reported: I saw that the first of what came to the Prophet was a thing which he began (for division) with the free-born men.
—*Abu Daud.*

عن ابن عمر قال رأيت رسول الله صلعم أول ما جاءه شيء بدأ بالمحررين *
(أبو داود)

191. **Ayesha** reported that a bag containing shells was brought to the Prophet. He divided them among the free women and slave girls. Ayesha said: My father used to distribute to a free-man and the slave. —*Abu Daud.*

عن عائشة أن النبي صلعم أتي بظبية فيها خرز فقسمها للحرة والأمة قالت عائشة كان أبي يقسم للحر والعبد -
(أبو داود)

192. **Malek-b-Aus** reported that Omar-b-al-Khattab mentioned one-day about Fai. He said:

عن مالك بن أوس قال ذكر عمر بن الخطاب يوما الفيء فقال ما أنا

I am not entitled to this Fai more than you, and nobody of us is more entitled to it than any other except that we are upon our ranks as a result of the Book of the Almighty and Glorious Allah and of the division of His Messenger. A man and his foot, and a man and his disaster, and a man and his family, and a man and his needs (were considered).[1037] —*Abu Daud.*

أحق بهذا الفيء منكم وما أحد منا بأحق به من أحد إلا إنا على منازلنا من كتاب الله عز وجل وقسم رسوله صلعم فالرجل وقدمه والرجل وبلاؤه والرجل وعياله والرجل وحاجته *

(أبو داود)

329w. **Same** reported that Omar-b-al-Khattab read : Verily zakat is for the poor, and the destitute—till he reached up to—"Knowing, Wise"—9:60Q. He said : This is for those people. He again read : And know that whatever booty you acquire from anything, there is for Allah out of it its 1/5th and for His Apostle—till he read up to "a traveller"—8:41Q. Then he said : This is for these people. He again read : Whatever Fai Allah has given to His Prophet from the inhabitants of the villages—till he read up to "For the poor"—59:6Q. and those who came after them—59:10Q. Then he said : The Muslims have got full rights to appropriate it

عنه قال قرأ عمر بن الخطاب إنما الصدقات للفقراء والمساكين حتى بلغ عليم حكيم فقال هذه لهؤلاء ثم قرأ واعلموا أنما غنمتم من شيء فأن لله خمسه وللرسول حتى بلغ وابن السبيل ثم قال هذه لهؤلاء ثم قرأ ما أفاء الله على رسوله من أهل القرى حتى بلغ الفقراء والذين جاءوا من بعدهم ثم قال هذه استوعبت المسلمين عامة

1037. **Fai was divided by the Prophet according to his will. He gave it to the warriors of Badr, to the people who took allegiance at Hudaibiyyah and to the members of his family. This was according to the directions in the Quran. Considerations for giving it were made about a man's hardship, family and other efforts and risks for Islam.**

generally: If I live, a shepherd must come beating Sarwe-Himyar to get it therefrom (though) his forehead did not sweat therefor. —*Sharhi Sunnat.*

193. **Same** reported that that, of which Omar procured proof, was that he said: The Holy Prophet had three special properties—Banu Nazir, Khaiber and Fedak. As for Banu Nazir, it was reserved for his adverse turns, and as for Fedak it was dedicated for the travellers; and as for Khaiber, the Holy Prophet divided it into three shares—two shares for the Muslims and one share for expense of his family. What remained in excess after expense of his family, he distributed among the poor Refugees. —*Abu Daud.*

194. **Mugirah** reported that Omar-b-Abdul Aziz called together the children of Merwan when he was made a Caliph. He said: There was Fedak property for the Apostle of Allah. He used to spend therefrom and do benefit to the little children of Banu Hashim, and give their widows in marriage therefrom, and verily Fatema asked him to hand it over to her, but he refused. It was the case during the life time of the Apostle of Allah

فَلَئِنْ عِشْتُ فَلَيَأْتِيَنَّ الرَّاعِي وَهُوَ بِسَرْوِ حِمْيَرَ نَصِيبُهُ مِنْهَا لَمْ يَعْرَقْ فِيهَا جَبِينُهُ *

(شَرْحُ السُّنَّةِ)

عَنْهُ قَالَ كَانَ فِيمَا احْتَجَّ بِهِ عُمَرُ أَنْ قَالَ كَانَتْ لِرَسُولِ اللهِ صلعم ثَلَاثُ صَفَايَا بَنُو النَّضِيرِ وَخَيْبَرُ وَفَدَكُ فَأَمَّا بَنُو النَّضِيرِ فَكَانَتْ حَبْسًا لِنَوَائِبِهِ وَأَمَّا فَدَكُ فَكَانَتْ حَبْسًا لِأَبْنَاءِ السَّبِيلِ وَأَمَّا خَيْبَرُ فَجَزَّأَهَا رَسُولُ اللهِ صلعم ثَلَاثَةَ أَجْزَاءٍ جُزْئَيْنِ بَيْنَ الْمُسْلِمِينَ وَجُزْءًا نَفَقَةً لِأَهْلِهِ فَمَا فَضَلَ عَنْ نَفَقَةِ أَهْلِهِ جَعَلَهُ بَيْنَ فُقَرَاءِ الْمُهَاجِرِينَ *

(أَبُو دَاوُدَ)

عَنِ الْمُغِيرَةِ قَالَ إِنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ جَمَعَ بَنِي مَرْوَانَ حِينَ اسْتُخْلِفَ فَقَالَ إِنَّ رَسُولَ اللهِ صلعم كَانَتْ لَهُ فَدَكُ فَكَانَ يُنْفِقُ مِنْهَا وَيَعُودُ مِنْهَا عَلَى صَغِيرِ بَنِي هَاشِمٍ وَيُزَوِّجُ مِنْهَا أَيِّمَهُمْ وَإِنَّ فَاطِمَةَ سَأَلَتْهُ أَنْ يَجْعَلَهَا لَهَا فَأَبَى فَكَانَتْ كَذٰلِكَ فِي حَيٰوةِ رَسُولِ اللهِ صلعم حَتّٰى مَضٰى لِسَبِيلِهِ فَلَمَّا أَنْ وَلِيَ أَبُو بَكْرٍ

till he passed his way (died). When Abu Bakr became caliph, he worked thereabout as the Apostle of Allah had done during his life time till he went on his way (died). When Omar-b-al-Khattab became Caliph, he did about it what they had done, till he went on his way. Afterwards Merwan gifted it (for himself) and then it came to Omar-b-Abdul Aziz. He said: I considered that I have got no right to an affair which the Apostle of Allah refused to Fatemah; and verily I keep you a witness that I return it as it was before; that is, at the time of the Ms. of Allah, Abu Bakr and Omar. —*Abu Daud*

عمل فيها بما عمل رسول الله صلعم في
حياته حتى مضى لسبيله فلما أن ولي
عمر بن الخطاب عمل فيها بمثل ما عملا
حتى مضى لسبيله ثم اقطعها مروان ثم
صارت لعمر بن عبد العزيز قال فرأيت أمرا
منعه رسول الله صلعم فاطمة ليس لي
بحق وإني أشهدكم أني رددتها على
ما كانت يعني على عهد رسول الله صلعم
وأبي بكر وعمر * (ابو داود)

SECTION 10

1088. Jizya tax

(a) **What is Jizya?** Jizya is a tax that is taken from the free non-Muslim subjects of a Muslim government whereby they ratify the compact that ensures them protection. The Holy Quran says: Fight those who do not believe in Allah,......... out of those who have been given the Book, until they pay the Jizya in acknowledgment of superiority and they are in a state of subjection—9:29Q. Though the followers of the Book have been mentioned here, the tax is applicable in the case of all non-Muslims. The Holy Prophet realised it from the Magians of Bahrain—23:196, from Ukaidar, the Christian chief of Duma—23:198, from the Christian ruler of Ayla, from the

Jews of Jarba and Azruh and from the Chrishtians of Najran.

(b) **Reason of this tax**. The Muslims had to pay zakat as a contribution towards the public Treasury for maintenance of law and order and to guard the frontiers from foreign aggression at 2½ p. c. of their hoarded wealth. In addition, they had to do active military service as a compulsory measure and fight battles of the state not only at home but in foreign countries as well. The non-Muslims were free from military service as a general rule, nor they had to pay anything for the up-keep of the military and the protection of the estate, and they led a life of peace and tranquility in a settled rule. For this reason, the tax of Jizya was imposed on them according to the direction of God in consideration of the above exemptions and protection as Zimmis. Whenever the Muslim commanders defeated an enemy, they called the vanquished foe to admit their defeat by offering a token tribute in sad contrast with the war indemnities of the present day. Thus repetition of aggression was safeguarded and in return protection offered on cessation of hostilities, It is thus an act of mercy towards a vanquished foe. It was not an alternative measure for acceptance of Islam. It was only in acknowledgment of subjugation as the Quran stated.

(c) **Exemptions from Jizya**. The following classes of persons were exempted from Jizya: (i) all females, (ii) males who have not attained maturity, (iii) old people, (iv) people whom disease had crippled, (v) the paralyzed, the blind, the poor who could not work for themselves, (vi) the slaves who were working for their freedom, (vii) the monks, and (viii) all non-Muslims who join the military service.

(d) **Rate of Jizya.** It was comparatively less than the zakat. It was originally one dinar [2] —23:196, but later on, it was raised to 4 dinars in case of rich people—23:330w. There were thus three grades of people who had to pay graduated scale of tax from one to four dinars in proportion to their wealth.

Other contents. It is impolitic to have two religions in one land—23:197. No Jizya and *'Ushar'* on the Muslims—23:199.

1. The Religion of Islam (p. 680). 2. Value Rs. 10 nearly.

195. **Bajalah** reported: I was a scribe of Jaje'-b-Muwayiah, uncle of Ahnaf. Then came to us the script of Omar-b-al Khattab one year before his death: Make separation between every blood-relation of the Magians. And Omar used not to levy Jizya from the Magians till Abdur Rahman-b-Auf deposed that the Apostle of Allah had levied it from the Magians of Hajar. 1089

—*Bukhari.*

عن بجالة قال كنت كاتبا لجزء بن معاوية عم الاحنف فاتانا كتاب عمر بن الخطاب قبل موته بسنة فرقوا بين كل ذي محرم من المجوس ولم يكن عمر اخذ الجزية من المجوس حتى شهد عبد الرحمن بن عوف ان رسول الله صلعم اخذها من مجوس هجر * (البخاري)

196. **Mu'az-b-Jabal** reported that when the Holy Prophet sent him to Yemen, he directed him to levy from every Halem (meaning grown-up man) one dinar, or its equivalent from Muaferi (a cloth made of in Yemen). —*Abu Daud.*

عن معاذ بن جبل قال قال رسول الله صلعم لما وجهه الى اليمن امره ان ياخذ من كل حالم يعني محتلم دينارا او عدله من المعافري ثياب تكون باليمن * (ابوداود)

197. **Ibn Abbas** reported that the Apostle of Allah said: It is not politic to have two religions in the same land, and there is no Jizya upon a Muslim. 1090

—*Ahmad, Tirmizi, Abu Daud.*

عن ابن عباس قال قال رسول الله صلعم لا تصلح قبلتان في ارض واحدة و ليس على المسلم جزية * (احمد و الترمذي و ابوداود)

198. **Anas** reported that the Apostle of Allah sent Khalid-b-

عن انس قال بعث رسول الله صلعم

1089. Hajar is the name of a town near Bahrain.

1090. It is a matter of sound administrative policy that there should be only one religion in one land. The policy of this grand pronouncement is being daily seen in our lands. Some say that by the words "two qiblas", the Jews and the Christians who turn their faces towards Jerusalem were meant. In other words, Islam and Christianity or Islam and Judaism should not exist in Arabia. Arabia must have only one religion, namely, Islam.

Walid to Ukaider of Dumah.[1091] They arrested and brought him. He excused his murder and compromised with him upon Jizya.

—*Abu Daud.*

خالد بن الوليد إلى أكيدر دومة فأخذوه فأتوا به فحقن له دمه وصالحه على الجزية * (أبو داود)

199. **Harb-b-Obaidullah** from his father who from his grand father reported that the Apostle of Allah said: Verily '*Ushar*' tax[1092] is upon the Jews and the Christians, and there is no '*Ushar*' upon the Muslims.

—*Ahmad, Abu Daud.*

عن حرب بن عبيد الله عن أبيه عن جده أن رسول الله صلعم قال إنما العشور على اليهود والنصارى وليس على المسلمين عشور * (أحمد وأبو داود)

200. **Oqbah-b-A'mer** reported: I asked: O Ms. of Allah! we pass by a people who do not entertain us, nor do they give us our properties justly, nor do we take anything from them. The Prophet said: If they decline except to entertain very unwillingly, then take.[1093]

—*Tirmizi.*

عن عقبة بن عامر قال قلت يا رسول الله إنا نمر بقوم فلا هم يضيفوننا ولا يؤدون ما لنا من الحق ولا نحن نأخذ منهم فقال رسول الله صلعم إن أبوا إلا أن تأخذوا كرها فخذوا * (الترمذي)

330w. **Aslam** reported that Omar-b-al-Khattab imposed Jizya over those who possessed gold of 4 dinars, and over those

عن أسلم أن عمر بن الخطاب ضرب الجزية على أهل الذهب أربعة دنانير

1091. Ukaider was the king of Dumah which was a town near Tabuk in Syria. He was a Christian king who was ordered to be taken under arrest to the Prophet. When he was brought, he imposed Jizya tax upon him. Afterwards he turned a Muslim and became a devoted companion.

1092. Ushar is like land revenue in kind. It is $\frac{1}{10}$th of the produce from a land. If, however, there is no crops in any year, there is no tax.

1093. These people were zimmis, that is non Muslim people under protection of the Muslims. There was agreement with these people that they would entertain the Muslim soldiers for three days if they happened to pass by them. Without agreement, such compulsory entertainment is not lawful according to a latter tradition.

who possessed silver of 40 dirhams, along with that the provisions of the Muslim and entertainment for three days.
—*Malek.*

وَعَلَى أَهْلِ الْوَرِقِ أَرْبَعِينَ دِرْهَمًا مَعَ ذَالِكَ أَرْزَقَ الْمُسْلِمِينَ وَضِيَافَةَ ثَلَاثَةِ أَيَّامٍ * (اَلْمَالِكُ)

SECTION 11

1094. Captives of War

(1) **Meaning of Captives of War.** Captives of war are those who are taken prisoners as a result of holy war and on no other occasion. This definition excludes those men and women who are taken prisoners in normal times or after hostility ceases and war terminates. The captives of war must be overtaken in the actual war-field. With the cessation of hostilities, there is stop of taking prisoners. In the light of the above interpretation, the Quran says: So when you meet in battle those who disbelieve, then smite the necks until when you overcome them, then make them prisoners......until the war lays down its weapons—47:4Q. This has been made more clear by the following verse prohibiting the Holy Prophet to take prisoners in normal times: It is not fit for a Prophet that he should take captives unless he has fought and triumped in the land. You desire the frail goods of this world, while Allah desires the hereafter—8:67Q. This verse gives also an indication that the enemies who surrender themselves unconditionally without any war or bloodshed cannot be taken prisoners.

(2) **Subsequent treatment to war-captives.** The Quran lays down the ordinance of two alternative measures for the captives of war. It says: Then either set them free as a favour, or let them ransom themselves—47:4Q. This ordinance is applicable only when the war or hostility ceases. In other words, it is not strictly applicable with regard to prisoners when the battle is going on undecisively in the actual war-field and when there is

every chance of the prisoners joining the enemy's camp in case they are set free. In the case of the latter prisoners, they are at the mercy of the commander. They may either be killed or kept in detention. Some traditions in the section will prove it. This is considered as part of warfare and hence there may be extreme penalty as the universal rule of war. With regard to the treatment of captives when the war terminates, there are the above two measures. Question may arise as to the propriety of the measure of ransom as price of freedom. This is the international law of war that the guilty persons must be punished. Whereas the other nations gave a reign of terror by indiscriminate massacres of the war prisoners even after cessation of hostities and let flow the torrents of blood through the streets, the Holy Prophet did not take such inhuman measures but set them free either without any ransom or with ransom. In the latter case, some punishment was necessary in oder to stop further aggression on the infant Commonwealth of Islam and make them realise the indemnities of war-guilt. Otherwise the greatest crime goes unpunished which is not the object of a practical religion like Islam. Those who cannot ransom themselves, they may be set free as an act of grace or they may be put to the service, either of teaching boys or some other thing conducive to the welfare of the community. Those who can not be set free can be retained in household until occasion arises for their manumission. This class has been know as "slaves" in Islam about whom I shall discuss later on. During this period of detention, prisoners of war must be treated with kindness and fairplay.

(3) **Prophet's treatment towards captives of war.** What treatment did the captives receive in the hands of the Prophet? Surely he was guided in the greater interests of Islam by the Quranic principles as above enunciated. Let us, however, recall some particular instances.

In the battle of Badr, 70 prisoners fell to the hands of the Muslims. Some of them were released without ransom by the clemency of the Prophet and some with ransom—23:113, 1[1].

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1. For further light, see section 13 of this Chapter and section 4 of Chapter 2.

This treatment was meted out at a time when Islam stood in danger of total annihilation. The poor who could not afford to ransom themselves were required to teach ten children each in consideration of their liberty. The solvent gave generally 4000 dirhams per head. Hazrat Abbas (Prophet's uncle) who was a captive received no different treatment but had to pay more. The Prophet's son-inlaw Abul A's, husband of Jainab, received clemency by the offer of a necklace of Jainab presented to the latter by Khadija. The necklace was subsequently returned to the owner. Each companion got 2 or 4 captives with instructions of good and fair treatment regarding accommodation, food and clothing. Suhail b-Amr, a prisoner, was of eloquent tongue and used to spread disaffection against Islam. Hazrat Omar suggested that two of his teeth should be extracted. The Prophet replied: I have not come to mutilate men. Musab-b-Umair's brother was one of the captives. He said: Blessings be on the Helpers! they made us ride while they themselves walked, they gave us bread to eat when there was little of it contending themselves with dates. The Holy Prophet once adorned them all with clothes.

In the Battle of Hunain, 6000 prisoners fell to the hands of the Muslims but they were all released with the concurrence of the companions of the Prophet. Among the prisoners, there was a man from the tribe of Halima, the Prophet's foster mother. His intercession on behalf of the people was fruitful. There was also the daughter of the world renowned charitable man Hatem Tai. She was sent to her house with due honour and respect.

In the Battle of Muraisi, there were 600 prisoners. They were all set free without any ransom. In this way, the Prophet showed the most sympathetic treatment towards the captives.

(4) **Captive women and girls**. In the actual war-field in the midst of hostilities, according to some jurists, some concessions were sometimes given to soldiers for recreation. Captive virgin girls in war were once made lawful for the soldiers for copulation—23:340w. If any woman was pregnant, or in the course of menstruation, or had not attained maturity, she was not lawful for such purpose

until the pregnancy is finished, or the menstruation ceases, or maturity is attained—23:340w. When war terminates, their case is somewhat different. It has been discussed in section 13.

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201. **Abu Hurairah** reported from the Messenger of Allah who said: Allah is pleased with a people who will enter Paradise in chains. In a narration: They will be led to Paradise in chains. [1035] —*Bukhari.*

عن ابي هريرة عن النبي صلعم قال عجب الله من قوم يدخلون الجنة في السلاسل وفي رواية يقادون الى الجنة بالسلاسل * (البخاري)

202. **Salmah-b-al-Akwa'a** reported that a spy from the polytheists came to the Messenger of Allah while he was on a journey. He sat down talking near his companions. Then he went away. The Holy Prophet said: Search him out and kill him. Then I killed him. He (Prophet) gave me his goods. —*Agreed.*

عن سلمة بن الاكوع قال اتى النبي صلعم عين من المشركين وهو في سفر فجلس عند اصحابه يتحدث ثم انفتل فقال النبي صلعم اطلبوه واقتلوه فقتلته فنفلني سلبه * (متفق عليه)

203. **Same** reported: We fought along with the Apostle of Allah against Hawazin. While we were taking breakfast with the Holy Prophet, there came a man riding upon a red camel. He took off the rope from the nose and began to look on, while there were weak persons among us and few riding men, and some of us were on foot when lo!

عنه قال غزونا مع رسول الله صلعم هوازن فبينا نحن نتضحى مع رسول الله صلعم اذ جاء رجل على جمل احمر فاناخه وجعل ينظر وفينا ضعفة ورقة من الظهر وبعضنا مشاة اذ خرج

1035. These are those prisoners of war from the polytheists who accepted Islam after their being made captives.

he came out running. He came to his camel and made it stand. The camel ran with him and I also came out running till I caught hold of the rein of the camel. I drew its nose-string, then branded my sword and stroke the head of the man. Afterwards I came with the camel by driving it with his goods and ammunitions therein. The Apostle of Allah and the people advanced towards me. He asked: Who has killed the man? 'Ibnul Akwa'a' they said. He said: For him are his entire goods.

—*Agreed.*

204. **Abu Sayeed al-Khodri** reported: When Banu Quraizah agreed to (abide by) the decision of Sa'ad-b-Ma'az, the Holy Prophet sent for him. He came riding upon an ass. When he came near, the Apostle of Allah said: Stand up to (show respect to) your commander. Then he came and took his seat. The Apostle of Allah said: Verily they have agreed to your decision. He said: I order that those who fought shall be put to death and that women and children be made captives. He said: Indeed you have passed order about them with the the order of a

يشتد فاتى جمله فاقامه فاشتد به الجمل

وخرجت اشتد حتى اخذت بخطام

الجمل فانخته ثم اخترطت سيفي فضربت

راس الرجل ثم جئت بالجمل اقوده وعليه

رحله وسلاحه فاستقبلني رسول الله صلعم

والناس فقال من قتل الرجل قال ابن الاكوع

قال له سلبه اجمع * (متفق عليه)

عن ابي سعيد ن الخدري قال لما

نزلت بنو قريظة على حكم سعد بن معاذ

بعث له رسول الله صلعم فجاء على حمار

فلما دنا قال رسول الله صلعم قوموا الى

سيدكم فجاء فجلس فقال رسول الله صلعم

ان هؤلاء نزلوا على حكمك قال فاني

احكم ان تقتل المقاتلة وان تسبى

الذرية قال لقد حكمت فيهم بحكم

king. And in a narration; With the order of Allah.[1035a] —*Agreed.*

الْمَلِكِ وَفِي رِوَايَةٍ بِحُكْمِ اللهِ *
(مُتَّفَقٌ عَلَيْهِ)

205. **Abu Hurairah** reported that the Holy Prophet sent a cavalry towards Najd. They came with a man of Banu Hanifa called Somamah-b-Osal, the chief of the inhabitants of Yamamah. They tied him with a pillar out of the pillars of the mosque. Then the Apostle of Allah came out to him and asked: O Somamah! what is near you?[1036] He replied: O Muhammad, I have got good for me. If you kill (me), you will kill a man of blood,[1037] and if you show favour, you will show favour to a grateful man, and if you seek wealth, ask and you will be given therefrom as much as you like. Then the Apostle of Allah left him till there came the next morning. Then he asked: O Somamah! what is near you? He said: I have got what I told you. If you show favour,

عَنْ أَبِي هُرَيْرَةَ قَالَ بَعَثَ رَسُولُ
اللهِ صلعم خَيْلاً قِبَلَ نَجْدٍ فَجَاءَتْ بِرَجُلٍ مِنْ
بَنِي حَنِيفَةَ يُقَالُ لَهُ ثُمَامَةُ بْنُ أُثَالٍ
سَيِّدُ أَهْلِ الْيَمَامَةِ فَرَبَطُوهُ بِسَارِيَةٍ مِنْ
سَوَارِي الْمَسْجِدِ فَخَرَجَ إِلَيْهِ رَسُولُ اللهِ
صلعم فَقَالَ مَاذَا عِنْدَكَ يَا ثُمَامَةُ فَقَالَ
عِنْدِي يَا مُحَمَّدُ خَيْرٌ إِنْ تَقْتُلْ تَقْتُلْ ذَا دَمٍ وَ
إِنْ تُنْعِمْ تُنْعِمْ عَلَى شَاكِرٍ وَإِنْ كُنْتَ تُرِيدُ
الْمَالَ فَسَلْ تُعْطَ مِنْهُ مَا شِئْتَ فَتَرَكَهُ
صلعم حَتَّى كَانَ الْغَدُ فَقَالَ مَاذَا عِنْدَكَ يَا ثُمَامَةُ
فَقَالَ عِنْدِي مَا قُلْتُ لَكَ إِنْ تُنْعِمْ تُنْعِمْ

1035a. Banu Quraizah was a tribe of the Jews settled at Medina long before the Prophet migrated there. They broke treaties after treaties and joined with the enemies in the battle of the Allies. The Prophet therefore laid siege to this place for 25 days. When the Jews referred the matter to Sa'ad-b-Mu'az, he ordered that they should be killed. Sa'ad was in alliance with the Jews and hence he was trusted in preference to the Prophet.

1036. 'What is near you' means—what treatment do you expect from me or what do you pray for?

1037. 'You will kill a man of blood' means that you will kill an honourable man whose murder will not go unavenged. His men must take retaliation for his murder.

you will show favour to a grateful man; and if you kill, you will kill a man of blood, and if you wish for wealth, ask and you will be given therefrom as much as you like. Whereupon the Apostle of Allah left him till there came the next morning. He asked him: What is near you, O Somamah? He said: I have got what I told you. If you show favour, you will show favour to a grateful man; and if you kill, you will kill a man of blood, and if you wish for wealth, ask and you will be given therefrom as much as you like. Then the Apostle of Allah said: Let Somamah be set free. Then he went to a place of scanty water [1038] near a mosque, had a wash and then entered the mosque and uttered: I bear witness that there is no deity but Allah and I bear witness that Muhammad is His servant and His Messenger, O Muhammad, by Allah, there was no face upon the surface of the earth which I disliked more than yours, but now your face has become to me dearest of all the faces; by Allah, there was no religion I hated

عَلَى شَاكِرٍ وَإِنْ تَقْتُلْ تَقْتُلْ ذَا دَمٍ وَإِنْ
كُنْتَ تُرِيدُ الْمَالَ فَسَلْ تُعْطَ مِنْهُ مَا شِئْتَ
فَتَرَكَهُ رَسُولُ اللّٰهِ صلعم حَتَّى كَانَ بَعْدَ
الْغَدِ فَقَالَ لَهُ مَا عِنْدَكَ يَا ثُمَامَةُ فَقَالَ
عِنْدِي مَا قُلْتُ لَكَ إِنْ تُنْعِمْ تُنْعِمْ عَلَى
شَاكِرٍ وَإِنْ تَقْتُلْ تَقْتُلْ ذَا دَمٍ وَإِنْ كُنْتَ
تُرِيدُ الْمَالَ فَسَلْ تُعْطَ مِنْهُ مَا شِئْتَ .
فَقَالَ رَسُولُ اللّٰهِ صلعم أَطْلِقُوا ثُمَامَةَ فَانْطَلَقَ
إِلَى نَخْلٍ قَرِيبٍ مِنَ الْمَسْجِدِ فَاغْتَسَلَ ثُمَّ
دَخَلَ الْمَسْجِدَ فَقَالَ أَشْهَدُ أَنْ لَا إِلٰهَ إِلَّا اللّٰهُ
وَأَشْهَدُ أَنَّ مُحَمَّدًا عَبْدُهُ وَرَسُولُهُ يَا مُحَمَّدُ
وَاللّٰهِ مَا كَانَ عَلَى وَجْهِ الْأَرْضِ وَجْهٌ أَبْغَضَ
إِلَيَّ مِنْ وَجْهِكَ فَقَدْ أَصْبَحَ وَجْهُكَ
أَحَبَّ الْوُجُوهِ كُلِّهَا إِلَيَّ وَاللّٰهِ مَا كَانَ
مِنْ دِينٍ أَبْغَضَ إِلَيَّ مِنْ دِينِكَ فَأَصْبَحَ

1038. Here there are two meanings—date tree or a place of scanty water. The latter seems to be appropriate to the context.

more than yours, but (now) your religion has become to me dearest of all religions ; by Allah, there was no city I hated more than yours, but (now) your city has become to me the dearest of all cities. Your cavalry arrested me, but now I am intendigg to observe 'Umrah'.[1099] What is then your order ? Then the Apostle of Allah gave him good news and ordered him to make Umrah. When he came to Medina, someone said to him : Have you become a Sabian ? 'No' he said, 'but I have accepted Islam with the Prophet, and, by Allah, not a grain of wheat would come to you till the Apostle of Allah gives permission therefor'.

—*Muslim.*

دينك أحب الدين إلي والله ما كان من بلد أبغض إلي من بلدك فأصبح بلدك أحب البلاد كلها إلي وإن خيلك أخذتني وأنا أريد العمرة فماذا ترى فبشره رسول الله صلعم وأمره أن يعتمر فلما قدم مكة قال له قائل أصبوت فقال لا ولكني أسلمت مع رسول الله صلعم لا والله لا يأتيكم من اليمامة حبة حنطة حتى يأذن فيها رسول الله صلعم *

(مسلم)

206. **Jubair-b-Mut'em** reported that the Apostle of Allah said about the captives of Badr : Had there been Mut'em-b-Adi alive and then interceded to me for these impure captives, I would have set them free for him.[1100] —*Bukhari.*

عن جبير بن مطعم أن النبي صلعم قال في أسارى بدر لو كان المطعم ابن عدي حيا ثم كلمني في هؤلاء النتنى لتركتهم له * (البخاري)

1099. Umrah means visiting the Holy Ka'ba situated at Mecca with observance of full rights. Bukhari reported a shortened hadis.

1100. Jubair heard this tradition while he was an unbeliever, and narrated it after he had accepted Islam. His father Mut'em showed kindness to the Prophet by driving away the inhabitants of Tayef from molesting and oppressing the Holy Prophet. There the Prophet remembered Mut'em with a grateful heart.

207. **Anas** reported that eighty men from the inhabitants of Mecca [1101] with full arms suddenly fell upon the Prophet from the hill of Tan'eem intending thereby to attack the Prophet and his companions. He arrested them suddenly and gave them life, and in a narration: "He set them free". Then the Almighty Allah revealed: And He it is who withheld their hands from you and your hands from them in the valley of Mecca. —*Muslim.*

عن انس ان ثمانين رجلا من اهل مكة هبطوا على رسول الله صلعم من جبل التنعيم متسلحين يريدون غرة النبي صلعم واصحابه فاخذهم سلما فاستحياهم وفي رواية فاعتقهم فانزل الله تعالى و هو الذي كف ايديهم عنكم وايديكم عنهم ببطن مكة- (مسلم)

208. **Qatadah** reported: Anas-b-Malek narrated to us from Abi Talhah that the Apostle of Allah passed order on the Day of Badr about 24 persons of the leading men of the Quraish. They were hurled down into a pit out of the pits of Badr which was impure and causing impurity. And when he became victorious over a tribe, he used to stay in the battle-field for three nights. So when the third day came on, he passed order for his conveying camel, and his goods were tied upon it. Then he walked on foot and his companions also followed him, till he stood on the side of a hill and began to call them with

عن قتادة قال ذكر لنا انس بن مالك عن ابي طلحة ان نبي الله صلعم امر يوم بدر باربعة وعشرين رجلا من صناديد قريش فقذفوا في طوي من اطواء بدر خبيث مخبث وكان اذا ظهر على قوم اقام بالعرصة ثلث ليال فلما كان ببدر اليوم الثالث امر براحلته فشد عليها رحلها ثم مشى واتبعه اصحابه حتى قام على شفة الركي فجعل يناديهم باسماءهم

1101. This occurred in the year in which the treaty of Hudaibiyyah took place.

their names and with the names of their fathers: O so and so, son of so and so, would it please you to obey Allah and His Apostle, because we have found what our Lord promised us regarding truth? Have you got what your Lord promised you regarding truth? Omar said: O Ms. of Allah, what talk do you hold with the bodies for which there is no soul? The Holy Prophet said: By One in whose Hand, there is my life, you don't hear what I say about them. In a narration: You do not hear more than them but they don't answer. —*Agreed.*

209. **Merwan** and Meswar-b-Makhramah reported that the Apostle of Allah stood when a deputation of Hawazin Muslims waited on him. They begged him to return their properties and captives. He said: Choose one of the two measures—either captives or properties. They said: We prefer our captives. The Messenger of Allah then got up, praised Allah with what is due to Him and then he said: As for next, verily your brethren have come quite repentant, and indeed I now consider that I should return them their captives. So whoso of you likes

وأسماء آبائهم يا فلان ابن فلان ويا فلان
ابن فلان أيسركم أنكم أطعتم الله و
رسوله فإنا قد وجدنا ما وعدنا ربنا حقا
فهل وجدتم ما وعد ربكم حقا فقال
عمر يا رسول الله ما تكلم من أجساد
لا أرواح لها قال النبي صلعم والذي
نفس محمد بيده ما أنتم بأسمع لما أقول
منهم وفي رواية ما أنتم بأسمع منهم
ولكن لا يجيبون * (متفق عليه)

عن مروان والمسور بن مخرمة أن
رسول الله صلعم قام حين جاءه وفد هوازن
مسلمين فسألوه أن يرد إليهم أموالهم
وسبيهم فقال فاختاروا إحدى الطائفتين
إما السبي وإما المال قالوا فإنا نختار
سبينا فقام رسول الله صلعم فأثنى على الله
بما هو أهله ثم قال أما بعد فإن
إخوانكم قد جاؤا تائبين وإني قد رأيت
أن أرد إليهم سبيهم فمن أحب منكم

that it would be pleasing, let him do, and whoso of you likes that he should get his share, tell me to give it to him out of what Allah gives us as Fai; let him do. The people said: O Ms. of Allah! we are willing to do that. The Messenger of Allah said: Verily we don't know who are among you who will give permision and who will not give permission. So return till your leaders come to us over your affairs. Then the people returned and so the leaders talked with them. Afterwards they returned to the Ms. of Allah. They informed him that they were glad and so gave permission. 1102 —*Bukhari.*

أن يطيب ذلك فليفعل ومن أحب منكم أن يكون على حظه حتى نعطيه إياه من أول ما يفيء الله علينا فليفعل فقال الناس قد طيبنا ذلك يا رسول الله فقال رسول الله صلعم إنا لا ندري من أذن منكم ممن لم يأذن فارجعوا حتى يرفع إلينا عرفاؤكم أمركم فرجع الناس فكلمهم عرفاؤهم ثم رجعوا إلى رسول الله صلعم فأخبروه أنهم قد طيبوا وأذنوا * (البخاري)

210. **Imran-b-Hussain** reported that Saqif was an ally to Banu Oqail. Saqif took two persons out of the companions of the Holy Prophet as captives, and the companions of the Prophet took captive of a man of Banu Oqail. They tied him firm and threw him in heat. The Ms. of Allah passed by him, and he called him: O Muhammad, O Muhammad, for what have I been overtaken? He

عن عمران ابن حصين قال كان ثقيف حليفا لبني عقيل فأسرت ثقيف رجلين من أصحاب رسول الله صلعم وأسر أصحاب رسول الله صلعم رجلا من بني عقيل فأوثقوه فطرحوه في الحرة فمر به رسول الله صلعم فناداه يا محمد يا محمد

1102. Hawazin is a tribe who accepted Islam after the battle of Hunain in which they were defeated. 24000 sheep, 4000 silver and nearly 6000 captures fell in to the hands of the Muslims. The Prophet divided among his companions the booties including the captives. After that they turned Muslims and prayed for their people. The Holy Prophet requested his companions to return the captives.

said: For faults of your ally Saqif. Then he left him and departed. He called out to him: O Muhammad, O Muhammad. The Prophet then took compassion on him and returned. He asked: What is the matter with you? He said: Verily I am a Muslim. He said: If you tell this and control your own affair, you will attain full success. He said that the Holy Prophet had ransomed him in exchange of two men whom Saqif made captives. 1103 —*Muslim*.

211. **Ayesha** reported that when the Meccans went for the ransom of their captives, Zainab sent a property to ransom Abul A's. She also sent therein her necklace which was with Khadijah who gave it to her as dower of marriage with Abul A's. When the Holy Prophet saw it, his compassion was greatly moved and he said: Inform me whether you would set her captive tree for her and return her that which belongs to her. 'Yes' said they. Prophet then asked him to let free the way of Jainab to come to him. The Holy Prophet sent Zaid-b-Haresah and a man from the Ansars and said:

فِيمَ أُخِذْتُ قَالَ بِجَرِيرَةِ حُلَفَائِكُمْ ثَقِيف فَتَرَكَهُ وَمَضَى فَنَادَاهُ يَا مُحَمَّدُ يَا مُحَمَّدُ فَرَحِمَهُ رَسُولُ اللهِ صلعم فَرَجَعَ فَقَالَ مَا شَأْنُكَ قَالَ إِنِّي مُسْلِمٌ فَقَالَ لَوْ قُلْتَهَا وَأَنْتَ تَمْلِكُ أَمْرَكَ أَفْلَحْتَ كُلَّ الْفَلَاحِ فَقَالَ فَفَدَاهُ رَسُولُ اللهِ صلعم بِالرَّجُلَيْنِ اللَّذَيْنِ أَسَرَتْهُمَا ثَقِيفٌ * (مُسْلِمٌ)

عَنْ عَائِشَةَ قَالَتْ لَمَّا بَعَثَ أَهْلُ مَكَّةَ فِي فِدَاءِ أُسَرَائِهِمْ بَعَثَتْ زَيْنَبُ فِي فِدَاءِ أَبِي الْعَاصِ بِمَالٍ وَبَعَثَتْ فِيهِ بِقِلَادَةٍ لَهَا كَانَتْ عِنْدَ خَدِيجَةَ أَدْخَلَتْهَا بِهَا عَلَى أَبِي الْعَاصِ فَلَمَّا رَآهَا رَسُولُ اللهِ صلعم رَقَّ لَهَا رِقَّةً شَدِيدَةً وَقَالَ إِنْ رَأَيْتُمْ أَنْ تُطْلِقُوا لَهَا أَسِيرَهَا وَتَرُدُّوا عَلَيْهَا الَّذِي لَهَا فَقَالُوا نَعَمْ وَكَانَ النَّبِيُّ صلعم أَخَذَ عَلَيْهِ أَنْ يُخَلِّيَ سَبِيلَ زَيْنَبَ إِلَيْهِ وَبَعَثَ رَسُولُ اللهِ صلعم زَيْدَ بْنَ حَارِثَةَ وَرَجُلًا مِنَ

1103. Saqif is a tribe out of Hawazin people with whom the battle of Hunain was fought by the Prophet. When the arrested man expressed his intention to accept Islam, the Prophet did not accept it as it might have been under pressure of arrest and fear.

Stay at the valley of Najeh till Zainab passes by you. Then accompany her till you can bring her back. 1104

—*Ahmad, Abu Daud.*

الانصار فقال كونا ببطن ناجح حتى تمر بكما زينب فتصحباها حتى تأتيا بها * (احمد و ابوداود)

212. **Ibn Mas'ud** reported that when the Messenger of Allah wished to kill Oqbah-b-Abi Muait, the latter said: Who its for the children? He replied: The fire. 1105 —*Abu Daud.*

عن ابن مسعود ان رسول الله صلعم لما اراد قتل عقبة بن ابي معيط قال من للصبية قال النار * (ابوداود)

213. **Ali** reported from the Apostle of Allah that Gabriel came down to him and said to him: Give them, meaning your companions, option about the captives of Badr, either murder, or ransom on condition that some of them would be killed next year like them. They said: Ransom and some of us to be killed. 1106

—*Tirmizi (Rare).*

عن علي عن رسول الله صلعم ان جبرئيل هبط عليه فقال له خيرهم يعني اصحابك في اسرى بدر القتل او الفداء على ان يقتل منهم قابلا مثلهم قالوا الفداء و يقتل منا * الترمذي (غريب)

1104 Zainab was the Prophet's daughter and Abul A's was nephew of Khadija and husband of Zainab. He was a polytheist and fell a prisoner in the hands of the Prophet in the battle of Badr. Abul A's was then set free. On his return to Mecca, he accepted Islam and migrated with Zainab to Medina. He was killed in the battle of Yamamah.

1105. It means that if the children are good, even the fire will protect them though it has got destroying effect. Some interpret it by way of curt and inhuman reply by the Prophet. The man who advocated the case of the orphans and the poor and whose love for the children was proverbial could not give such a curt reply. Mr. Ameer Ali says: "It originated most probably from the sobriquet of SIBYAT-UN-NAR (children of fire) applied to the children of Okba. Okba himself belonged to the tribe of Ajlan, a branch of which inhabited certain villages near Safra, and was known by the name of Bani-un-Nar (children of fire). The sobriquet was derived from this circumstance and the story of Mohammed's reply from the nick-name."

1106. In the battle of Badr, 70 unbelievers were killed and 70 were taken as captives to the Prophet. He was consulting with Abu Bakr about them. Abu Bakr advised them not to kill them. Hazrat Omar gave opinion that they should be killed. The Holy Prophet gave option to his companions either to kill them or to accept ransom.

214. Atiyyah al-Qurazi reported: I was among the captives of Quaizah. We were presented before the Holy Prophet and they were examining. Whoever had his hair grown was killed, and whoever had not, was not killed. Then they uncovered my lower part and found it without growth (of hair). They then made me among the captives. 1107 —*Abu Daud, Ibn Majah, Darimi.*

عن عطية القرظي قال كنت في سبي قريظة عرضنا على النبي صلعم فكانوا ينظرون فمن أنبت الشعر قتل و من لم ينبت لم يقتل فكشفوا عانتي فوجدوها لم تنبت فجعلوني في السبي * (أبوداود وابن ماجة والدارمي)

215. Ali reported that some slaves came to the Apostle of Allah, that is on the day of Hudaibiyyah before the treaty. Their masters wrote to him saying: O Muhammad, by Allah, they did not go to you out of a desire for your religion but they went out fleeing from serfdom. Some people said: O Ms. of Allah! they have spoken the truth, return them to them. Then the Messenger of Allah got enraged and said: O congregation of the Quraish, why should I not see you desisting (your hand from slaves) till Allah sends down upon you one who will smite your neck for their account.

عن علي قال خرج عبدان إلى رسول الله صلعم يعني يوم الحديبية قبل الصلح فكتب إليه مواليهم قالوا يا محمد والله ما خرجوا إليك رغبة في دينك و إنما خرجوا هربا من الرق فقال ناس صدقوا يا رسول الله ردهم إليهم فغضب رسول الله صلعم و قال ما أراكم تنتهون يا معشر قريش حتى يبعث الله عليكم من يضرب رقابكم على هذا و أبى

If ransom was preferred, the Prophet said that 70 Muslims would be murdered next year. This was a great prophecy which was literally fulfilled, as in the battle of Uhud which took place one year after, 70 Muslims were killed and the Muslims met with a reprisal at the start.

1107. This was done in the battle-field so that young men under age may not be killed. They were taken captives.

He refused to return them and said: Verily they are the freed servants of Allah. —*Abu Daud.*

لن يردهم وقال هم عتقاء الله *

(ابو داود)

216. **Ibn Omar** reported that the Apostle of Allah sent Khalid-b-Walid to Banu Jazimah and invited them to Islam but they were not good enough to say: We accepted Islam. They began to say: We are Sabeans, we are Sabeans. Then Khalid began to put them to death and make them captives. He allotted one captive to every one of us till one day Khalid passed order to put to every captive under us to death. I said: By Allah! I shall not kill my captive, and none of my companions will kill his captive till we approach the Prophet and mention it to him. He raised up his hands and said: O Allah, I am innocent to Thee of what Khalid did twice.[1108] —*Bukhari.*

عن ابن عمر قال بعث النبي صلعم خالد ابن الوليد الى بني جذيمة فدعاهم الى الاسلام فلم يحسنوا ان يقولوا اسلمنا فجعلوا يقولون صبانا صبانا فجعل خالد يقتل ويأسر ودفع الى كل رجل منا اسيره حتى اذا كان يوم امر خالد ان يقتل كل رجل منا اسيره فقلت والله لا اقتل اسيري ولا يقتل رجل من اصحابي اسيره حتى قدمنا على النبي صلعم فذكرناه فرفع يديه فقال اللهم اني ابرء اليك مما صنع خالد مرتين *

(البخاري)

331w. **Ayesha** reported that when the Apostle of Allah took captives of those who joined at Badr, he killed Oqbah-b-Abi Muait and Nazr-b-Hares; and he showed[1109] favour to Abu Garrah al-Juhamiy. —*Sharhi Sunnat.*

عن عائشة ان رسول الله صلعم لما اسر اهل بدر قتل عقبة بن ابي معيط والنضر بن الحارث ومن على ابي عزة الجمحي * (شرح السنة)

1108. This shows how the Prophet rescued those poor slaves who were groaning under the cruel oppression of their hard masters. As the Prophet was the Apostle of peace, he set the slaves free. How grand is the noble example of emancipation of slavery!

1109. It is absolutely in the discretion of the commander either to kill a war prisoner or to set him free, either with ransom or without ransom.

SECTION 12

110. Expulsion of the Jews from Arabia

(1) **Jewish Settlements in Pre-Islanim Arabia.** The Jews settled in or about the city of Yasreb (the old name of Medina) after migrating from the persecutions of the Babylonian, Greek and Roman empires. Banu Nazir held colony at Khaiber, Banu Quraiza at Fidak and Banu Qainqua near Medina. They lived in fortified cantons. When the Prophet migrated to Medina, he entered into a treaty with the Jews. Violating this treaty, they secretly helped the enemies at the battle of Badr. When the Muslims were victorious, their jealousy grew into regular enemity. There were also many incidents and fracas resulting in deaths. The Prophet, having disgusted with the violation of the treaty, laid siege to the fort of **Banu Qainuqa** for fifteen days. Afterwards they were expelled from Medina and they thereafter settled in Syria in 2 A. H.

This was exactly the case with **Banu Nazir.** They attempted once on the life of the Prophet and sided with the enemies secretly. They were asked to renew agreement but they did not comply. This was taken as open war. Hence they were banished from their land. That took place at 4 A. H.

Then the **Banu Quraiza** fared no better. They took part in the battle of the Allies after breaking their previous treaty with the Prophet. They were warned but they did not listen to it. After the battle, the Prophet laid siege to their fort. After some resistance, they surrendered in 5 A. H. About the punishment to be meted out to them for their repeated treacheries, they were asked to choose their own course. The Jews chose Sa'ad as their arbiter. He passed the sentence of death on 300 males, the females and children were taken captives and their property was confiscated. Had the Jews chose the Prophet as arbiter, their sentence would been lenient i.e. at best exile.

In 7 A. H. the fort of Khaiber was laid siege to as the Jews there with the refugees of Banu Nazir began to patch up plots against Islam. They conspired with the powerful tribe

of Ghatafan in order to attack Medina. They even gave poisoned food to the Prophet the effects of which the Holy Prophet felt to the last day of his life. For this reason, Khiber was conquered but the Jews were allowed autonomy on certain conditions. After the Prophet's holy demise, the Jews began to trouble the Caliphs and began to practise treachery with the Muslims. Once they threw down Umar's son Abdullah from the top of a house. For all these reasons, Hazrat Omar banished the Jews of Khaiber from their stronghold and were allowed to settle in Syria. Thus the land of the whole of the Arabian Peninsula consisted of Muslims and Muslims alone and the banner of Islam was hoisted over every house in the vast land.

(2) **It is impolitic to have two religions in one land.** The Holy Prophet declared as the greatest politician and statesman that it is impolitic to have two religions in the same land (23:197). This grand message has been left as a rich heritage for the modern politicians. In order to ensure lasting permanent peace in Arabia and to establish Islam on the firmest basis, this foresighted advice to his companions was left. Therefore he left positive instructions to banish the Jews, Christians and other non-Muslims from Arabia. As a precautionary measure, no non-Muslim has since been allowed to enter the cities of Mecca and Medina.

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217. **Abu Hurairah** reported: While we were in the mosque, The Apostle of Allah came out and said: March against the Jews. So we came out with him till we came up to a school-house. Then the Apostle of Allah got up and said: O congregation of the Jews, accept Islam and you will be safe. Know that this land is for Allah and His Apostle and

عَنْ أَبِي هُرَيْرَةَ (رض) قَالَ بَيْنَ نَحْنُ فِي الْمَسْجِدِ خَرَجَ النَّبِيُّ صلعم فَقَالَ انْطَلِقُوا إِلَى يَهُودَ فَخَرَجْنَا مَعَهُ حَتَّى جِئْنَا بَيْتَ الْمِدْرَاسِ فَقَامَ النَّبِيُّ صلعم فَقَالَ يَا مَعْشَرَ يَهُودَ أَسْلِمُوا تَسْلَمُوا اِعْلَمُوا أَنَّ الْأَرْضَ لِلّٰهِ وَلِرَسُولِهِ وَإِنِّي أُرِيدُ أَنْ

verily I wish to banish you from this land. So whoso of you finds anything of his property (valuable), let him sell it. 1111 —*Agreed*

218. **Ibn Omar** reported that Omar got up as one delivering sermon. He said : Verily the Apostle of Allah was administrator of the Jews of Khaiber over their properties. He said : We have kept you on a condition upon which Allah kept you, 1112 and indeed I have considered their expulsion proper. Then Omar invited opinion of the public over that. One of Banu Abil Huqaiq came and said : O Commander of the faithful ! you expel us, while Muhammad accommodated us and was administrator over (our) properties. Omar said : Do you think that I have forgotten the saying of the Apostle of Allah—"How shall it be with you when you will be expelled from Khaiber and when your camel will run with you night after night"? He said : This was a joke of Abul Qasem

أُجْلِيَكُمْ مِنْ هٰذِهِ الْأَرْضِ فَمَنْ وَجَدَ
مِنْكُمْ بِمَالِهِ شَيْئًا فَلْيَبِعْهُ *
(مُتَّفَقٌ عَلَيْهِ)

عَنِ ابْنِ عُمَرَ قَالَ قَامَ عُمَرُ
خَطِيبًا فَقَالَ اِنَّ رَسُولَ اللّٰهِ صلعم
كَانَ عَامَلَ يَهُودَ خَيْبَرَ عَلَى أَمْوَالِهِمْ وَقَالَ
نُقِرُّكُمْ عَلَى مَا أَقَرَّكُمُ اللّٰهُ وَقَدْ رَأَيْتُ
إِجْلَاءَهُمْ فَلَمَّا أَجْمَعَ عُمَرُ عَلَى ذٰلِكَ أَتَاهُ
أَحَدُ بَنِي أَبِي الْحُقَيْقِ فَقَالَ يَا أَمِيرَ الْمُؤْمِنِينَ
أَتُخْرِجُنَا وَقَدْ أَقَرَّنَا مُحَمَّدٌ وَعَامَلَنَا عَلَى
الْأَمْوَالِ فَقَالَ عُمَرُ أَظَنَنْتَ أَنِّي نَسِيتُ
قَوْلَ رَسُولِ اللّٰهِ صلعم كَيْفَ بِكَ إِذَا
أُخْرِجْتَ مِنْ خَيْبَرَ تَعْدُو بِكَ قَلُوصُكَ
لَيْلَةً بَعْدَ لَيْلَةٍ فَقَالَ هٰذِهِ كَانَتْ هُزَيْلَةً

1111. It appears from this that the Mosque was the centre of all political and religious activities of the Prophet, and that the Jews had organised schools for learning unlike the Arabs. This was uttered at the time when Banu Nazir was expelled from Medina. The Jews of Medina were meant by this tradition.

1112. The Jews were allowed to stay at Khaiber on condition that they would pay half the produce of their lands to the Holy Prophet and in addition Jizya tax.

(Muhammad). He said : You are false, O enemy of of Allah. Then Omar expelled them and gave them, the price of what they had of fruits, wealth, camels and goods and other things besides these.

—*Bukhari.*

عن ابى القاسم فقال كذبت يا عدو الله فاجلاهم عمر و اعطاهم قيمة ما كان لهم من الثمر و مالا و ابلا و عروضا من اقتاب و حبال و غير ذالك * (البخاري)

229. **Ibn Abbas** reported that the Holy Prophet left last instructions for three things: Expel the unbelievers from the Peninsula of Arabia, treat with deputations well just as I treated them. Ibn Abbas said : He remained silent with regard to the third or he said : I have forgotten it. 1113

—*Agreed.*

عن ابن عباس ان رسول الله صلعم اوصى بثلثة قال اخرجوا المشركين من جزيرة العرب و اجيزوا الوفد بنحو ما كنت اجيزهم قال ابن عباس و سكت عن الثلثة او قال فانسيتها *

(متفق عليه)

230. **Jaber-b-Abdullah** reported : Omar-b-al Khattab informed me that he had heard the Apostle of Allah say : I must expel the Jews and the Christians from the Peninsula of Arabia till I shall not leave therein but Muslims. *Muslim narrated it, and in a narration* : If I live, God willing, I must expel the Jews and the Christians from the Peninsula of Arabia 1114

عن جابر بن عبد الله قال اخبرني عمر بن الخطاب انه سمع رسول الله صلعم يقول لاخرجن اليهود و النصرى من جزيرة العرب حتى لا ادع فيها الا مسلما رواه مسلم و في رواية لئن عشت ان شاء الله لاخرجن اليهود و النصرى من جزيرة العرب *

231. **Ibn Omar** reported that Omar-b-al Khattab expelled the

عن ابن عمر ان عمر بن الخطاب

1113. Peninsula of Arabia is bounded on the west by red sea and Suez Cannal, by Arabian Sea in the South, by Iraq and Mosul in the east and by Syria in the north. The 3rd thing, according to Qazi Yaz, was : Don't take my grave as idol for worship. Malek also narrated it in his book Al-Muatta.

1114. Compare it with 29:197 : It is impolitic to have two religions in a land.

Jews and the Christians from the land of Hedjaz. When the Messenger of Allah got victory over Khaiber, he intended to drive out the Jews therefrom, and when victory was gained over the land for Allah and His Prophet and for the Muslims, the Jews asked the Messenger of Allah to leave them on conditon that they would toil while there would be half of the fruits for them. The Apostle of Allah said: We shall keep you upon that so long as we wish. So they were allowed to remain till omar expelled them during his rule towards Taimah and Ariha's. —*Agreed.*

أجلى اليهود والنصارى من أرض الحجاز وكان رسول الله صلعم لما ظهر على أهل خيبر أراد أن يخرج اليهود منها وكانت الأرض لما ظهر عليها لله ولرسوله وللمسلمين فسأل اليهود رسول الله صلعم أن يتركهم على أن يكفوا العمل ولهم نصف الثمر فقال رسول الله صلعم نقركم على ذلك ما شئنا فاقروا حتى أجلاهم عمر في إمارته إلى تيماء وأريحاء * (متفق عليه)

SECTION 13

1115. Emancipation of Slaves

(1) **Who are called 'slaves' in Islam?** As has already been stated in note 1094, the prisoners of war who were not let free but were divided among the warriors and kept under their care and maintenance were called by peoples other than the Muslims as slaves. Islam, however, does not recognise any class of human beings as slaves because that is opposed to the fundamental principle of the universal brotherhood in which all Muslims participate on equal terms of rights and privileges. It declared: All believers are brethren. So no Muslim can legally be a slave, whether he is a prisoner of war or

comes from a slave dynasty. Those captives of war who are unbelievers and who have not been set free are considered as a separate class known by the name of "What your right hands possessed—ما ملکت ایمانکم". This description of acquiring a class of men by force supports the view that those who are generally called slaves are really prisoners of war retained without grant of freedom. Besides the above prisoners of war, there were regular slaves existing from before the time of Islam. They were markettable and heritable and were considered as properties like sheep and cattle. They had no legal status and led a life of unmitigated drudgery in the hands of the pitiless masters. The task of improving the hard lot of these wretched creatures fell on the World Prophet.

(2) **How to emancipate the so-called slaves.** The Islamic teachings gave a death-blow to the perpetual serfdom of the slaves. It took a gradual step towards abolition of slavery as a contrary policy by setting all the prisoners free, whenever and wherever they were caught, irrespective of the time and magnitude of offences and by emancipating all slaves at a time would have produced an utter collapse of the infant common-wealth. He, however, framed rules of emancipation which greatly helped that purpose. Some of the rules are the following :—

(i) A prisoner of war or a slave by birth in pre-Islamic times no longer remained a slave if he accepted Islam. The cases of Hazrats Bilal, Zaid and others are good instances.

(ii) Those who purchased their freedom by money were let off as free men.

(iii) Those who were unable to pay money were sometimes asked to teach as a price of their liberty.

(iv) For certain sins of omissions and commissions, they were allowed liberty.

(v) The Prophet passed order that the slaves would be able to purchase their liberty by the wages of their service.

(vi) If masters were asked to write down term of freedom by the slaves, they were to yield to it. The Quran says: And as for those who ask for a writing from among those whom your right hands possessed, give them the writing—24:33Q.

(vii) Zakat was to be spent for freeing the captives—9;60Q.

(viii) Money from the State Exchequer was to be spent for their freedom. The Quran says: And give them out of the wealth of Allah which He has given you—24;33Q.

(ix) A fugitive fleeing to the territories of Islam should be considered as enfranchised.

(x) A child of a slave woman shall follow the status of the father. In this way, there would remain no system of slavery.

(xi) The mother of the above child shall become free after the death of her husband.

(xii) Slavery by purchase and sale was discountenanced. This was strictly followed at the time of the Prophet and the four Caliphs, but later on some of the Caliphs and kings reverted to the old practice and had some rules drawn up by some jurists under their influence which still confuse many minds.

(xiii) Nothing is dearer to Allah than emancipation of slaves—27:300w ; 22;37 ; 25;14.

(c) **Treatment towards Slaves.** Besides the above rules, the Prophet laid down instructions for manumission of slaves in exchange of getting rewards, and for good treatment towards them.

(i) The masters were to address the male and female slaves as "my young man" and "my young maid".

(ii) The masters were forbidden to exact more work than is just and proper.

(iii) All slaves were to be dressed, clothed and fed exactly as their masters and mistresses.

(iv) No mother was to be separated from the child, nor brother from brother, nor father from son, nor husband from wife, nor one relative from another.

(d) **Slave women and girls.** Regarding those captives of war who were females, the question is whether cohabitation can legally be had with them. The Quran clearly lays down: And marry those among you who are single and those who are fit among your male slaves and your female slaves—2;42Q. Again the Quran says:

See note 165 for details.

Do not compel your slave girls to prostitution when they desire to keep chaste, in order to seek the frail good of this world's life—24;33Q. These verses clearly indicate that when war ceases, the slave women and girls, when taken at home, cannot be used for sexual intercourse without regular marriage. Look at the case of the Prophet. He did not keep any captive woman of war without marriage. Then turning again to another verse of the Quran, we find that marriage is necessary to legalise intercourse with captive girls. It says, Marry only one or what your right hands have possessed—4:3w. It appears from another verse which enjoins marriage with all including captives except some relations within prohibited degrees—4;24Q. This was repeated in the verse: (He may marry) of those whom your right hands have possessed from among your believing maidens—4:25Q. There is mention of fornication in the above verse if the slave girls are not taken lawfully in marriage. From the above, it is evident that without marriage, no slave girl can be used for sexual luxury.

REFERENCES & CONTENTS OF QURAN: emancipation is an uphill task—90:11; charity for emancipation—9:60; Jihad and Iman best actions—23:268; first duty is to oneself, next to family, next to village men and next to all—23:289; feed the hungry and give drink to the thirsty—23;882w; construction of mosque brings reward—23:883w; old man in Islam has got a light—23:333w;

عَنْ اَبِيْ هُرَيْرَةَ قَالَ قَالَ رَسُوْلُ اللهِ صلعم مَنْ اَعْتَقَ رَقَبَةً مُسْلِمَةً اَعْتَقَ اللهُ بِكُلِّ عُضْوٍ مِنْهُ عُضْواً مِنَ النَّارِ حَتّٰى فَرْجَهُ بِفَرْجِهٖ * (مُتَّفَقٌ عَلَيْهِ)

232. **Abu Hurairah** reported that the Apostle of Allah said: Whoever sets free the neck of a Muslim, Allah will redeem from the fire a limb in exchange of his every limb, even his private part in exchange of his private part.[1116] —*Agreed.*

عَنْ اَبِيْ ذَرٍّ قَالَ سَاَلْتُ النَّبِيَّ صلعم اَيُّ الْعَمَلِ اَفْضَلُ قَالَ اِيْمَانٌ بِاللهِ

233. **Abu Zarr** reported: I asked the Apostle of Allah: Which action is best? He said: Faith in Allah and Jihad in the

1116. The sin of fornication is forgiven in case slaves are set free.

way of Allah. I asked: Which neck is best (for emancipation)? He said: That which is dearest of them in price and most valuable of them near its masters. I asked: If I can-not do (it)? He said: You shall help a labourer or work for one disabled. I asked: If I cannot do (it)? He said: You shall call the people from wrong-doing, because it is a charity which you bestow upon yourself.

—*Agreed.*

وَجِهَادٌ فِي سَبِيلِهِ قُلْتُ فَأَيُّ الرِّقَابِ
أَفْضَلُ قَالَ أَغْلَاهَا ثَمَنًا وَأَنْفَسُهَا عِنْدَ
أَهْلِهَا قُلْتُ فَإِنْ لَمْ أَفْعَلْ قَالَ تُعِينُ
صَانِعًا أَوْ تَصْنَعُ لِأَخْرَقَ قُلْتُ فَإِنْ لَمْ أَفْعَلْ
قَالَ تَدَعُ النَّاسَ مِنَ الشَّرِّ فَإِنَّهَا صَدَقَةٌ
تَصَدَّقُ بِهَا عَلَى نَفْسِكَ . (مُتَّفَقٌ عَلَيْهِ)

234. Garif ad-Dailami reported: We came to Waselah-b-Asqa'a and said: Narrate to us a tradition wherein there is no exaggeration or abbreviation. He got angry and said: Verily one of you reads while his Quran is kept hanging in his house and then he increases or decreases.[1117] We said: We wish for a tradition which you heard from the Apostle of Allah. He said: We came to the Holy Prophet about one of us who made sure, that is, the fire in exchange of murder. He said: Emancipate, him, Allah will then save from the fire each of his limbs in exchange of each of his limbs.

—*Abu Daud.*

عَنِ الْغَرِيفِ بْنِ الدَّيْلَمِيِّ قَالَ أَتَيْنَا
وَاثِلَةَ بْنَ الْأَسْقَعِ فَقُلْنَا حَدِّثْنَا حَدِيثًا
لَيْسَ فِيهِ زِيَادَةٌ وَلَا نُقْصَانٌ فَغَضِبَ
وَقَالَ إِنَّ أَحَدَكُمْ لَيَقْرَأُ وَمُصْحَفُهُ مُعَلَّقٌ
فِي بَيْتِهِ فَيَزِيدُ وَيَنْقُصُ فَقُلْنَا إِنَّمَا أَرَدْنَا
حَدِيثًا سَمِعْتَهُ مِنَ النَّبِيِّ صلعم فَقَالَ أَتَيْنَا
رَسُولَ اللّٰهِ صلعم فِي صَاحِبٍ لَنَا أَوْجَبَ
يَعْنِي النَّارَ بِالْقَتْلِ فَقَالَ أَعْتِقُوا عَنْهُ يُعْتِقِ
اللّٰهُ بِكُلِّ عُضْوٍ مِنْهُ عُضْوًا مِنْهُ مِنَ النَّارِ *
(أَبُو دَاوُد)

1117. This means that if one reads the Quran, his errors or omissions may be detected; but if he reads with his Quran hanging in his house, he may commit mistakes.

235. **Ibn Omar** reported that the Apostle of Allah said: Whoso emancipates his share in a slave, while he has got property sufficient for the price of the slave, the slave is caused to stand upon it for equivalent price. His co-sharers will then be given their shares and the slave is emancipated therefor. If not, there will be the emancipation of a part of him which has been emancipated.[1118] —*Agreed.*

عن ابن عمر قال قال رسول الله صلعم من اعتق شركا له في عبد و كان له مال يبلغ ثمن العبد قوم العبد عليه قيمة عدل فاعطي شركاؤه حصصهم و عتق عليه العبد و الا فقد عتق منه ما عتق * (متفق عليه)

236. **Imran-b-Hussain** reported that a man emancipated his six slaves at the time of his death, while he had no properties besides them. The Prophet called them, divided them into three groups and cast lottery among them. Then he emancipated two and kept four in bondage and he said to him a strong word.[1119] —*Muslim.*

عن عمران بن حصين ان رجلا اعتق ستة مملوكين له عند موته لم يكن له مال غيرهم فدعا بهم رسول الله صلعم فجزاهم اثلاثا ثم اقرع بينهم فاعتق اثنين و ارق اربعة و قال له قولا شديدا (مسلم)

237. **Abu Hurairah** reported from the Holy Prophet who said: Whoso emancipates a share in a slave emancipates him entirely if he has got

عن ابي هريرة عن النبي صلعم قال من اعتق شقصا في عبد اعتق كله ان كان

1118. If the man wishing to emancipate is a rich man, he should emancipate the entire body of a man after paying to the sharers. In default, only the portion of a body for which money is paid would be emancipated.

1119. It appears from this that 1/3rd of the assets left by the deceased may be given away in gift. The Prophet threatened him as he gifted his entire property. This took place at the initial stage of Islam. Nisai also narrated from him He said: "I intended not to lead (funeral) prayer over him" instead of "and he said to him a strong word". In a narration of Abu Daud: He said: Had I seen him before his burial, he could not have been buried in the graveyard of the Muslims.

property, but if he has got no property, let the slave try for emancipation without being hard to him.[1120] —*Agreed.*

له مال فإن لم يكن له مال استسعي
العبد غير مشقوق عليه * (متفق عليه)

238. **Abu Hurairah** reported that the Apostle of Allah said: No son shall take his father in exchange except that he finds him a slave and then he purchases him and sets him free. —*Muslim.*

عن أبي هريرة قال قال رسول الله
صلعم لا يجزي ولد والده إلا أن يجده
مملوكا فيشتريه فيعتقه * (مسلم)

239. **Jaber** reported that one of the Ansars left death-instruction for (emancipation) of a slave while he had no property besides him. It reached the Ms. of Allah who asked: Who will purchase him for me? Nuaim-b-Nahham purchased him for 800 dirhams. *Agreed upon it.* In a narration of Muslim: **Nuaim-b-Abdullah purchased him for 800 dirhams, took him to the Holy Prophet and handed him over to him.** Afterwards he said: Begin with yourself and give it in charity. If there is anything in excess, it is for your family; and if there is anything in excess from your family, then it is for your kindred; and if there is anything in excess from your

عن جابر أن رجلا من الأنصار دبر
مملوكا ولم يكن له مال غيره فبلغ
النبي صلعم فقال من يشتريه مني
فاشتراه نعيم بن النحام بثمان مائة
درهم متفق عليه وفي رواية لمسلم
فاشتراه نعيم بن عبد الله بثمان
مائة درهم فجاء بها إلى النبي صلعم
فدفعها إليه ثم قال ابدأ بنفسك فتصدق
عليها فإن فضل شيء فلأهلك فإن
فضل عن أهلك شيء فلذي قرابتك
فإن فضل عن ذي قرابتك شيء فهكذا

1120. It means that a portion of a slave can not be liberated, as the slave is an indivisible whole. If a portion is set free, the liberator should pay the whole price for liberation. If the cosharers are unwilling, he may withhold the payment for a share.

kindred, then thus it is and thus it is saying—in your front, on your right hand side and on your lefthand side. 1121

وهكذا يقول فبين يديك عن يمينك وعن شمالك *

240. **Hasan** from Samorah reported from the Apostle of Allah who said : Whoso becomes master of a blood relation, the latter is free. 1122

—*Tirmizi, Ibn Majah.*

عن الحسن عن سمرة عن رسول الله صلعم قال من ملك ذا رحم محرم فهو حر * (الترمذي وابن ماجة)

241 **Jaber** reported : We sold the mothers of children at the time of the Holy Prophet and Abu Bakr. When Omar prohibited us from that, we stopped.

—*Abu Daud.*

عن جابر قال بعنا أمهات الأولاد على عهد رسول الله صلعم وأبي بكر فلما كان عمر نهانا عنه فانتهينا . (ابوداود)

242. **Ibn Omar** reported that the Apostle of Allah said : Whoso emancipates a slave who has got property, the property of the slave is for him, unless the master makes a stipulation.

—*Abu Daud, Ibn Majah.*

عن ابن عمر قال قال رسول الله صلعم من اعتق عبدا وله مال فمال العبد له إلا أن يشترط السيد * (ابوداود وابن ماجة)

243. **Abul Malih** reported from his father that a man emancipated a share of a slave. It was mentioned to the Messenger of Allah. He said : There is no partner for Allah. Then he gave permission for his emancipation. —*Abu Daud.*

عن ابي المليح عن ابيه أن رجلا اعتق شقصا من غلام فذكر ذلك للنبي صلعم فقال ليس لله شريك فأجاز عتقه * (ابوداود)

244. **Safinah** reported : I was a slave-girl of Omme Salamah.

عن سفينة قال كنت مملوكا لأم

1121. Give to the poor and the destitute indiscriminately who will gather round you from all sides.

1122. If a son becomes master of father, the latter will be considered a free man. Similar is the case with son and other relations in prohibited degrees.

He said: I emancipate you and make stipulation that you would serve the Apostle of Allah as long as you are alive. I said: Inspite of your stipulation with me, I would not separate from the Prophet so long as I am alive. Then she emancipated me and made stipulation with me.

—*Abu Daud, Ibn Majah.*

سلمة فقالت اعتقك واشترط عليك ان تخدم رسول الله صلعم ما عشت فقلت ان لم تشترطي علي ما فارقت رسول الله صلعم ما عشت فاعتقتني واشترطت علي * (ابوداود وابن ماجة)

245. **Amr-b-Shuaib** from his father who from his grandfather reported that the Apostle of Allah said: A covenanted slave remains a slave as long as a dirham remains (unpaid) out of his stipulation. —*Abu Daud.*

عن عمرو بن شعيب عن ابيه عن جده عن النبي صلعم قال المكاتب عبد ما بقي عليه من مكاتبته درهم - (ابوداود)

246. **Omme-Salamah** reported that the Apostle of Allah said: Where there is full sum (for payment) on the part of a stipulated slave of someone of you, let him screen away from him. 1128

—*Tirmizi, Abu Daud, Ibn Majah.*

عن ام سلمة قالت قال رسول الله صلعم اذا كان عند مكاتب احداكن وفاء فلتحتجب منه *

(الترمذي وابوداود وابن ماجة)

247. **Amr-b-Shuaib** from his father who from his grand father reported that the Apostle of Allah said: (As for) one who stipulated with his slave on condition of 100 waqiahs and then the latter paid them except 10 waqiahs (or he said 10 dinars)

عن عمرو بن شعيب عن ابيه عن جده ان رسول الله صلعم قال من كاتب عبده على مائة اوقية فاداها الا عشرة اواق او قال عشرة دنانير ثم عجز فهو رقيق *

1128. This means that if a stipulated slave has got money sufficient to liberate him, he should be set at liberty even though his term remains unexpired or time for payment has not reached by that time.

and is unable thereafter (to pay), he is a slave. —*Tirmizi, Abu Daud, Ibn Majah.*

(اَلتِّرمِذِيُّ وَ اَبُودَاوُد وَ ابْنُ مَاجَةَ)

248. **Ibn Abbas** reported from the Prophet who said: When a stipulated slave becomes entitled to blood-money or inheritance, he inherits in proportion to what he is emancipated from. —*Tirmizi, Abu Daud.*

عَنِ ابْنِ عَبَّاسٍ عَنِ النَّبِيِّ صلعم قَالَ إِذَا أَصَابَ الْمُكَاتَبُ حَدًّا أَوْ مِيرَاثًا وَرِثَ بِحِسَابِ مَا عَتَقَ مِنْهُ *

(اَلتِّرمِذِيُّ وَ اَبُودَاوُد)

149. **Abu Darda'a** reported that the Prophet (once) passed by a pregnant woman. He enquired of her. They said: A slave-girl for so and so. He asked: Does he cohabit with her? 'Yes' said they. He said: I wish to give him a curse which would have entered in his grave along with him. How can he use it (illegitimate child) while it is not lawful for him or how it would inherit him while it is not lawful for him?[1124] —*Muslim.*

عَنْ أَبِي الدَّرْدَاءِ قَالَ مَرَّ النَّبِيُّ صلعم بِامْرَأَةٍ مُجِحٍّ فَسَأَلَ عَنْهَا فَقَالُوا أَمَةٌ لِفُلَانٍ قَالَ أَيُلِمُّ بِهَا قَالُوا نَعَمْ قَالَ لَقَدْ هَمَمْتُ أَنْ أَلْعَنَهُ لَعْنًا يَدْخُلُ مَعَهُ فِي قَبْرِهِ كَيْفَ يَسْتَخْدِمُهُ وَهُوَ لَا يَحِلُّ لَهُ أَمْ كَيْفَ يُوَرِّثُهُ وَهُوَ لَا يَحِلُّ لَهُ *

(مُسْلِمٌ)

250. **Abu Sayeed al-Khodri** raised it up to the Prophet who said about the captive girls of Autas:[1125] A pregnant girl shall not have sexual intercourse till she gives birth, nor

عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ رَفَعَهُ إِلَى النَّبِيِّ صلعم قَالَ فِي سَبَايَا أَوْطَاسٍ لَا تُوطَأُ حَامِلٌ حَتَّى تَضَعَ وَلَا غَيْرُ ذَاتِ

1124. The child born of the slave girl can not lawfully be used, nor can inherit the master nor the master of him.

1125. Autas is the name of a place which is 3 stations off from Mecca. The battle of Autas took place after the conquest of Mecca.

who is not pregnant till she mentruates once.

—*Ahmad, Abu Daud, Darimi.*

حمل حتى تحيض حيضة *

(احمد وابوداود والدارمي)

251. **Ruwaife'-b-Sabet al-Ansari** reported that the Ms. of Allah said on the Day of Hunain: It is not lawful for a man who believes in Allah and the latter day to throw his water in the field of another, that is, to come to a pregnant woman; nor is it lawful for a man who believes in Allah and the latter day to cohabit with a captive woman till he purifies her; nor is it lawful for a man who believes in Allah and the latter day to sell booty till it is divided.

—*Abu Daud, Tirmizi up to his saying "field of another"*

عن رويفع بن ثابت الانصاري قال قال رسول الله صلعم يوم حنين لا يحل لامرء يؤمن بالله واليوم الاخر ان يسقي ماءه زرع غيره يعني اتيان الحبالى ولا يحل لامرء يؤمن بالله واليوم الاخر ان يقع على امرأة من السبي حتى يستبرئها ولا يحل لامرء يؤمن بالله واليوم الاخر ان يبيع مغنما حتى يقسم ابوداود والترمذي الى قوله زرع غيره *

252. **Abu Sayeed al Khodri** reported that the Ms. of Allah sent an army to Autas on the day of Hunain. They met enemies and fought with them, and gained victory over them. Girls fell into their hands as captives. Some people out of the companions of the Prophet abstained from having sexual inter course with them on account of their husbands coming from the polytheists. Then Allah revealed: And the married women except what your right hands have possessed, that is, they are

عن ابي سعيد الخدري ان رسول الله صلعم يوم حنين بعث جيشا الى اوطاس فلقوا عدوا فقاتلوهم فظهروا عليهم واصابوا لهم سبايا فكان ناسا من اصحاب النبي صلعم تحرجوا من غشيانهن من اجل ازواجهن من المشركين فانزل الله تعالى في ذلك والمحصنات من النساء

lawful for them, when their period of waiting elapses.[1126] —*Muslim.*

إلا ما ملكت أيمانكم أي فهن لهم حلال إذا انقضت عدتهن * (مسلم)

253. **Ayesha** reported that she intended to set free two of her slaves. She asked the Prophet who directed her to begin with the male before the female. —*Abu Daud, Nisai.*

عن عائشة أنها أرادت أن تعتق مملوكين لها زوج فسألت النبي صلعم فأمرها أن تبدأ بالرجل قبل المرأة * (أبو داود والنسائي)

332w. **Bar'a-b-A'jeb** reported that an Arab came to the Holy Prophet and said: Teach me an action which will admit me in Paradise. He said: You have indeed made short your query, but you have asked a wide question. Emancipate a soul and set free a neck. He (Arab) asked: Are not the two the same? He said: No, emancipation of a soul is that it is made separate by its emancipation,[1127] and setting free of a neck is to help in its price; and give loan of sheep giving much milk, and show kindness against an oppressive kindred. If you are unable to do that, feed the poor, give water to the thirsty, enjoin on good and prohibit evil. If you are unable to do that, withhold

عن البراء بن عازب قال جاء أعرابي إلى النبي صلعم فقال علمني عملا يدخلني الجنة قال لئن كنت أقصرت الخطبة لقد أعرضت المسألة أعتق النسمة وفك الرقبة قال أو ليستا واحدا قال لا عتق النسمة أن تفرد بعتقها وفك الرقبة أن تعين في ثمنها والمنحة الوكوف والفيء على ذي الرحم الظالم فإن لم تطق ذلك فأطعم الجائع واسق الظمآن وأمر بالمعروف وانه عن المنكر فإن لم تطق ذلك فكف

1126. This shows that slaves mean those who are taken captives in war, and their Muslim descendants can not be slaves. These girls were lawful to the Muslims in war-field.

1127. Emancipation of soul means that the master himself sets the slave at liberty. The other means that any person may pay the master for setting the slave free. Menhah is presentation of a camel or sheep in order that the needy may use its milk. Wakuf means animals giving much milk.

your tongue except from good. —*Baihaqi.*

لسانك إلا من خير * (البيهقي)

333w. **Amr-b-Abasah** reported that the Apostle of Allah said: Whoso builds a mosque in order that the name of Allah may be remembered therein, builds a house in Paradise; whoso emancipates a Muslim soul, his redemption is (as it were) from hell; and whoso grows old in the way of Allah will have a house of light on the Resurrection Day. —*Sharhi Sunnat.*

عن عمرو بن عبسة أن النبي صلعم قال من بنى مسجدا ليذكر الله فيه بني له بيت في الجنة ومن أعتق نفسا مسلمة كانت فديته من جهنم ومن شاب شيبة في سبيل الله كانت له بيت نور يوم القيمة * (شرح السنة)

334w. **Samorah-b-Jundub** reported that the Prophet said: The best charity is an intercession wherewith a slave is set free. —*Baihaqi.*

عن سمرة بن جندب قال قال رسول الله صلعم أفضل الصدقة الشفاعة بها تفك الرقبة * (البيهقي)

335w. **Ibn Abbas** reported that the Apostle of Allah said: When the slave girl of a man gives birth to a child begotten by him, she is then free in his absence or after his death. —*Darimi.*

عن ابن عباس عن النبي صلعم قال إذا ولدت أمة الرجل منه فهي عن دبر منه أو بعده * (الدارمي)

336w. **Abur Rahman**-b-Abi Umarah al-Ansari reported that his mother intended to emancipate (a slave). She delayed it till morning and then died. Abdur Rahman said: I asked Qasem-b-Muhammad: Will it do any benefit if I emancipate for her? Qasem said that Sa'ad-b-Obadah came to the Apostle of Allah and enquired: Verily my mother died. Shall it do her any

عن عبد الرحمن بن أبي عمرة الأنصاري أن أمه أرادت أن تعتق فأخرت ذلك إلى أن تصبح فماتت قال عبد الرحمن فقلت للقاسم بن محمد أينفعها أن أعتق عنها قال القاسم أتى سعد بن عبادة رسول الله صلعم فقال إن أمي هلكت فهل ينفعها

benefit if I emancipate on her behalf? 'Yes' said the Prophet. —*Malek.*

أن أعتق عنها فقال رسول الله صلعم نعم ـ (مالك)

337w. Yahya-b-Sayeed reported that Abdur Rahman-b-Abi Bakr died in a sleep he slept. His sister Ayesha emancipated many slaves on his behalf. —*Malek.*

عن يحيى بن سعيد قال توفي عبد الرحمن بن أبي بكر في نوم نامه فأعتقت عنه عائشة أخته رقابا كثيرة * (مالك)

338w. Abdullah-b-Omar reported that the Apostle of Allah said: Whoso purchases a slave without stipulation for his property, there is nothing for him. —*Darimi.*

عن عبد الله بن عمر قال قال رسول الله صلعم من اشترى عبدا فلم يشترط ماله فلا شيء له * (الدارمي)

339w. Malek reported: It has reached me that the Apostle of Allah used to pass order for seeking purification of slave-girls by one menstruation if they were of those who had menstruation; and for three months if they were of those who had no menstruation, and he prohibited casting of semen unto others. —*Razin.*

عن مالك قال بلغني أن رسول الله صلعم كان يأمر باستبراء الإماء بحيضة إن كانت ممن تحيض وثلثة أشهر إن كانت ممن لا تحيض وينهى عن سقي ماء الغير * (رزين)

340w. Ibn Omar reported that he said: When a slave-girl who has been cohabited with, or sold or set at large, is given in gift, let her purify her uterus with one menstruation; and the virgins need not purify. —*Razin.*

عن ابن عمر أنه قال إذا وهبت الوليدة التي توطأ أو بيعت أو أعتقت فلتستبرئ رحمها بحيضة ولا تستبرئ العذراء * (رزين)

341w. Muwayiah-b-al Hakam reported: I came to the Apostle of Allah and asked: O Ms. of Allah, verily a slave-girl of

عن معاوية بن الحكم قال أتيت رسول الله صلعم فقلت يا رسول الله

mine used to tend a flock of mine. I came to her while she lost a goat out of the flock and I asked her about it. She said that an wolf had devoured it. I became aggrieved for it, and I was but one of the children of Adam, and so I slapped her face. I have a slave girl. Shall I emancipate her? The Apostle of Allah said to her: Where is Allah? She replied: In heaven. He asked: Who am I? She said: You are the Apostle of Allah. Then the Ms. of Allah said: Give her freedom. 1128

—*Malek.*

إِنَّ جَارِيَةً كَانَتْ لِي تَرْعَى غَنَمًا لِي فَجِئْتُهَا وَقَدْ فَقَدَتْ شَاةً مِنَ الْغَنَمِ فَسَأَلْتُهَا عَنْهَا فَقَالَتْ أَكَلَهَا الذِّئْبُ فَأَسِفْتُ عَلَيْهَا وَكُنْتُ مِنْ بَنِي آدَمَ فَلَطَمْتُ وَجْهَهَا وَعَلَيَّ رَقَبَةٌ أَفَأُعْتِقُهَا فَقَالَ لَهَا رَسُولُ اللهِ صلعم أَيْنَ اللهُ فَقَالَتْ فِي السَّمَاءِ فَقَالَ مَنْ أَنَا فَقَالَتْ أَنْتَ رَسُولُ اللهِ فَقَالَ رَسُولُ اللهِ صلعم أَعْتِقْهَا * (مَالِكٌ)

CHPTER XXIV

SECTION 1

1129. Oath

(a) **Oath and its kinds.** Oath means a solemn promise given or taken in the performance or avoidance of a thing. An oath is taken to make an assertion more convincing. Oath is of three kinds: *Gamus* (غموس), *Lagudah* (لغودة) and *Munaqedah* (منعقدة). The first kind is a false oath over a thing that is past or present. For example, a man takes oath by saying: I have certainly seen such and such an incident. Such an oath-taker commits sin but there is no expiation for him except repentance. The

1128. Muslim also narrated this tradition with a slight difference in language.

Holy Quran says: And fulfil the covenant of Allah when you have made a covenant and do not break the oath after its confirmation, and you have indeed made Allah a surety for you. Surely Allah knows what you do—16:91Q. *Lagudah* is an oath over a past or present affair but is proved to be a misconjecture out of mistake as "Certainly Zaid is coming," while the fact is the contrary. Such an oath-taker commits no sin. The third kind *Munaqedah* is an intentional oath to do or not do a thing in future. It is wajeb to fulfil it—24:6,7.

Random oaths are not sinful. The Quran says: Allah will not call you to account for what is vain in your oaths, but He will call you to account for what your hearts have earned—2:224Q. This is an unintentional swearing in ordinary conversations. Intentional swearing shall not be resorted to without any thought of fulfilling it. The Quran says: And do not make your oath a means of deceit between you lest a foot should slip after its stability and taste evil because you turned from Allah's way—16:94Q.

(b) **Formulas of oath.** An oath may be taken by using the names of Allah or any of His attributes excepting His wrath, knowledge and mercy, such as "By Allah." The word Insha-Allah (ان شاء الله—If Allah wills) does not form a solemn oath—24:19Q. "By One in whose hand there stands the life of Muhammad" was the usual form of oath-taking of the Prophet—24:17. God took oath in the last verses of Quran in another form. A man is, however, debarred from swearing by the Quran (Hedayah). No oath shall be taken by the names of the father and mother (24:2), nor by the names of idols (24:5) nor by religions other than Islam (24:5), as such oaths constitute polytheism—24:14.

(c) **Expiation of oath-breaking.** Expiation is compulsory whether the oath or vow is wilful or under a deception of memory. This is according to Imam Abu Hanifa. The Quran also says: Allah sanctioned for you expiation of your oaths—66:2Q. Imams Shafeyi and Malek hold that in case of abinitio illegal things, expiation is not compulsory. The general rule is that oath shall not be broken. God confirms it in verse 16:91Q.

If, however, an oath is in connection with an unlawful thing, it must be broken but expiation is necessary. An oath regarding wife can be broken with expiation—24:9. About expiation of an oath, the Quran says. Its expiation is the feeding of ten poor men out of the moderate food you feed your families with, or their clothing, or the freeing of a captive, but whoso cannot find (means), then fasting for three days. This is the expiation of your oaths when you swear. And guard your oaths—5:89Q.

REFERENCE. Hadis : 8:46, 4:99, 227, 18:7 ; 25:20 ; 26:84, note 286 (promise).

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1. **Ibn Omar** reported that the oath of the Apostle of Allah which he often used to take was "No, by the Changer of hearts." —*Bukhari.*

عن ابن عمر قال اكثر ما كان النبي صلعم يحلف لا ومقلب القلوب * (البخاري)

2. **Same** reported that the Prophet said: Verily Allah prohibits you to swear in the name of your forefather. (As for) one who swears, let him swear in the name of Allah, or let him keep silence. —*Agreed,*

عنه ان رسول الله صلعم قال ان الله ينهاكم ان تحلفوا بآبائكم من كان حالفا فليحلف بالله او ليصمت * (متفق عليه)

3. **Abdur Rahman-b-Samorah** reported that the Prophet said: Swear not in the name of idols, nor in the name of your forefathers. —*Muslim.*

عن عبد الرحمن بن سمرة قال قال رسول الله صلعم لا تحلفوا بالطواغي ولا بآبائكم * (مسلم)

4. **Abu Hurairah** reported that the Apostle of Allah said: Whoso swears and says in his swearing "In the name of Lat and Ujja", let him say "There is no god but Allah"; and whoso says to his companion "Come, I shall play with you", let him speak the truth. —*Agreed,*

عن ابي هريرة عن النبي صلعم قال من حلف فقال في حلفه باللات والعزى فليقل لا اله الا الله ومن قال لصاحبه تعال اقامرك فليتصدق * (متفق عليه)

5. **Sabet-b-Zuhhak** reported that the Apostle Allah said: Whoso swears falsely in the name of a religion other than Islam, becomes just as he said,[1180] and there is no vow for a man in what he does not control. Whoso commits suicide in the world with anything will be punished therewith on the Resurrection Day. Whoso curses a believer is like one who murders him; whoso imputes infidelity to a believer is like one who murders him; whoso demands a false claim to have increase therewith, Allah will give him no increase but poverty.

—*Agreed.*

عن ثابت بن الضحاك قال قال رسول الله صلعم من حلف على ملة غير الإسلام كاذبا فهو كما قال وليس على ابن آدم نذر فيما لا يملك ومن قتل نفسه بشيء في الدنيا عذب به يوم القيامة ومن لعن مؤمنا فهو كقتله ومن قذف مؤمنا بكفر فهو كقتله ومن ادعى دعوى كاذبة ليتكثر بها لم يزده الله إلا قلة * (متفق عليه)

6. **Abu Musa** reported that the Apostle of Allah said: By Allah, I shall not, if Allah willing, take an oath and then see another thing better than it, except that I shall make expiation for my oath and do one which is better.[1181] —*Agreed.*

عن أبي موسى قال قال رسول الله صلعم إني والله إن شاء الله لا أحلف على يمين فأرى غيرها خيرا منها إلا كفرت عن يميني وأتيت الذي هو خير (متفق عليه)

7. **Abdur Rahman-b-Samorah** reported that the Apostle of

عن عبد الرحمن بن سمرة قال قال

1180. This is because another religion is preferred other than Islam which is derogatory to the dignity of the best religion. Outward forms for showing respect to Islam must be observed. Abu Hanifa and others say that in case of breach of oath like this, expiation becomes binding but Imams Malek and Shafeyi hold otherwise. They say however that the man commits sin in that case.

1181. The meaning is that if I take an oath not to do a thing but subsequently it appears to be better, then my duty is to give expiation for breach of oath and to do the thing which appears better.

Allah said: O Abdur Rahaman-b-Samorah, don't seek to rule, because if you are appointed to it on demand, you are entrusted with it; and if you are appointed without demand, you are given help over it; and when you take an oath and then consider that the other thing is better than it, then atone for your oath and do what is better. In a narration: Do what is better and atone for your oath. —*Agreed.*

رسول الله صلعم يا عبد الرحمن بن سمرة لا تسأل الامارة فانك ان اوتيتها عن مسئلة وكلت اليها وان اوتيتها عن غير مسألة اعنت عليها واذا حلفت على يمين فرأيت غيرها خيرا منها فكفر عن يمينك وائت الذي هو خير وفي رواية فأت الذي هو خير وكفر عن يمينك * (متفق عليه)

8. **Abu Hurairah** reported that the Apostle of Allah said: Whoso takes an oath and then sees another thing better than it, let him expiate for his oath and let him do (the latter). —*Muslim.*

عن ابي هريرة ان رسول الله صلعم قال من حلف على يمين فرأى خيرا منها فليكفر عن يمينه وليفعل * (مسلم)

9. **Same** reported that the Messenger of Allah said: Insistence of any of you in his oath about his wife is more sinful near Allah than payment of its expiation which Allah has made binding upon him.[1182] —*Agreed.*

عنه قال قال رسول الله صلعم لان يلج احدكم بيمينه في اهله آثم له عند الله من ان يعطي كفارته التي افترض الله عليه * (متفق عليه)

10. **Same** reported that the Apostle of Allah said: Your oath shall be about what your companion seeks you to speak the truth.[1183] —*Muslim.*

عنه قال قال رسول الله صلعم يمينك على ما يصدقك عليه صاحبك * (مسلم)

1182. This means that to take oath about a lawful thing with regard to family-members is more sinful than its breach. A man takes oath that he will not go to his wife for one mouth. That should be broken, because it is a greater sin. Atonement of sin must, however, be made. By this, there is indirect hint that domestic peace is absolutely necessary in a family for progress in all walks of life.

1183. The companion here is the oath seeker. Oath must be taken on that particular

11. **Same** reported that the Apostle of Allah said: Oath is according to the intention of the oath-giver. —*Muslim.*

عَنْهُ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم اَلْيَمِيْنُ عَلٰى نِيَّةِ الْمُسْتَحْلِفِ * (مُسْلِمٌ)

12. **Ayesha** reported that this verse was revealed: Allah will not overtake you for careless talk in your oath, for a man's saying "No, by Allah", "Yes, by Allah".[1134] —*Bukhari.*

عَنْ عَائِشَةَ قَالَتْ اُنْزِلَتْ هٰذِهِ الْاٰيَةُ لَا يُؤَاخِذُكُمُ اللّٰهُ بِاللَّغْوِ فِيْ اَيْمَانِكُمْ فِيْ قَوْلِ الرَّجُلِ لَا وَاللّٰهِ وَبَلٰى وَاللّٰهِ * (اَلْبُخَارِيُّ)

13. **Abu Hurairah** reported that the Apostle of Allah said: Don't swear in the name of your fathers, nor of your mothers, nor of the partners; nor swear in the name of Allah unless you are truthful. —*Abu Daud, Nisai.*

عَنْ اَبِيْ هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم لَا تَحْلِفُوْا بِاٰبَائِكُمْ وَلَا بِاُمَّهَاتِكُمْ وَلَا بِالْاَنْدَادِ وَلَا تَحْلِفُوْا بِاللّٰهِ اِلَّا وَاَنْتُمْ صَادِقُوْنَ * (اَبُوْدَاوُدَ وَالنَّسَائِيُّ)

14. **Ibn Omar** reported: I heard the Messenger of Allah say: Whoso takes oath in name other than of Allah sets up indeed a partner with Him.[1135] —*Tirmizi.*

عَنِ ابْنِ عُمَرَ قَالَ سَمِعْتُ رَسُولَ اللّٰهِ صلعم يَقُوْلُ مَنْ حَلَفَ بِغَيْرِ اللّٰهِ فَقَدْ اَشْرَكَ * (اَلتِّرْمِذِيُّ)

15. **Boraidah** reported that the Ms. of Allah said: Whoso takes oath in the name of trust, is not of us.[1136] —*Abu Daud, Nisai.*

عَنْ بُرَيْدَةَ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم مَنْ حَلَفَ بِالْاَمَانَةِ فَلَيْسَ مِنَّا * (اَبُوْدَاوُدَ وَالنَّسَائِيُّ)

16. **Same** reported that the Ms. of Allah said: Whoso says

عَنْهُ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم مَنْ قَالَ

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thing which is the bone of contention.

1134. It is the practice of the Arabs that they say almost in every talk—No, by Allah; or yes, by Allah. This is however not an oath in the proper sense of the term but a careless talk which is mentioned in the Quran and for which there will be no punishment.

1135. The author of Mazhere Hoque expresses the opinion that if an oath is taken without definite intention but out of daily habits, there will be no Shirk and consequently no sin.

1136. This was forbidden as it is the practice of the People of the Book.

"I am free from Islam," he becomes as he has said if he is a liar; and if he is truthful, he will never return to Islam in peace.[1187] —*Abu Daud, Nisai, Ibn Majah.*

انی بری من الاسلام فان كان كاذبا فهو كما قال وان كان صادقا فلن يرجع الى الاسلام سالما *

(ابوداود و النسائي وابن ماجة)

17. **Abu Sayeed** al Khodri reported that when the Prophet took a solemn oath, he used to say: No, by Him in whose Hand there is the life of Abul Qasem. —*Abu Daud.*

عن ابي سعيد الخدري قال كان رسول الله صلعم اذا اجتهد في اليمين قال لا والذي نفس ابي القاسم بيده *

(ابوداود)

18. **Abu Hurairah** reported that when the Prophet took an oath, his oath was: No, I seek pardon of Allah. —*Abu Daud, Ibn Majah.*

عن ابي هريرة قال كانت يمين رسول الله صلعم اذا حلف لا واستغفر الله -

(ابوداود وابن ماجة)

19. **Ibn Omar** reported that the Ms. of Allah said: Whoso takes a solemn oath and says "If the Almighty Allah wills," there is no sin on him. —*Tirmizi, Abu Daud, Nisai, Ibn Majah.*

عن ابن عمر ان رسول الله صلعم قال من حلف على يمين فقال ان شاء الله تعالى فلا حنث عليه *

(الترمذي-ابوداود-النسائي-ابن ماجة)

20. **Abul Ahwas Auf-b-Malek** reported from his father who said: I asked—O ms. of Allah, inform me about my cousin to whom I come begging but who does neither give me, nor keep my relationship. Afterwards he stands in need to me then comes to me and begs of me, but I have taken oath not to give him, nor to keep blood

عن ابي الاحوص عوف بن مالك عن ابيه قال قلت يا رسول الله ارايت ابن عم لي اتيه اساله فلا يعطيني ولا يصلني ثم يحتاج الي فياتيني فيسالني

1187. If a man takes an oath by saying "If I do not do this, I shall be free from Islam," he commits a sin. If a man utters this, he indeed becomes dissatisfied with Islam; and if a truthful man utters this, his Islam will be bad.

tie with him. Then he directed me to do what is better and to expiate for my oath. Nisai and Ibn Majah narrated it. And in his narration—he said: I asked: O Ms. of Allah, the son of my uncle comes to me, but I have taken oath that I shall not give him (alms), nor I should keep amity with him. He said: Make amends for your oath. —*Nisai, Ibn Majah.*

وَقَدْ حَلَفْتُ اَنْ لاَ اُعْطِيَهُ وَلاَ اَصِلَهُ فَاَمَرَنِي اَنْ اٰتِيَ الَّذِيْ هُوَ خَيْرٌ وَاُكَفِّرَ عَنْ يَمِيْنِي رَوَاهُ النَّسَائِيُّ وَابْنُ مَاجَةَ وَفِيْ رِوَايَةٍ قَالَ قُلْتُ يَا رَسُوْلَ اللهِ يَاْتِيْنِيْ ابْنُ عَمِّيْ فَاَحْلِفُ اَنْ لاَ اُعْطِيَهُ وَلاَ اَصِلَهُ قَالَ كَفِّرْ عَنْ يَمِيْنِكَ * (اَلنَّسَائِيُّ وَابْنُ مَاجَةَ)

SECTION 2

1138. Vow (نذر)

Vow is akin to oath. Vow is a thing which is made binding on a person on whom it was not binding previously. It becomes binding (واجب) on the vow-taker to fulfil his vow provided it does not concern a thing which is illegal according to the Shariat of Islam. Imam Abu Hanifa and Ahmad hold, however, that even in case of a vow with regard to an illegal thing, expiation is necessary (24:39). Vow (نذر) is not lawful except for the sake of Allah. It cannot legally be made in favour of a Pir (spiritual guide), dear friend, saint, angel, Prophet, or any man or thing. If, however, it is taken in such a form as "If Allah cures me, I shall pay Rs 100 towards the construction of a mosque, or for any other religious purpose," it is lawful. The expiation of vow is the same as in oath—24:24.

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21. **Abu Hurairah** and **Ibn Omar** reported that the Apostle of Allah said: Don't take vow, because a vow does not control anything over Pre-destination,

عَنْ اَبِيْ هُرَيْرَةَ وَابْنِ عُمَرَ قَالَ قَالَ رَسُوْلُ اللهِ صلعم لاَ تَنْذُرُوْا فَاِنَّ النَّذْرَ لاَ

and it is taken out from the miser. [1139] —*Agreed.*

22. **Ayesha** reported that the Messenger of Allah said: Whoso takes a vow to obey Allah, let him obey Him; and whoso takes a vow to disobey Him, let him not disobey Him. —*Bukhari.*

23. **Imran-b-Hussain** reported that the Apostle of Allah said: There is no fulfilment of a vow about sin, nor about what a servant does not control. In a narration—There is no vow in disobedience to Allah. [1140] —*Muslim.*

24. **Oqbah-b-Amer** reported that the Apostle of Allah said: The expiation of a vow is expiation of an oath. —*Muslim.*

25. **Ibn Abbas** reported: The Holy Prophet was delivering sermon, when lo! he was by the side of a man standing. He asked about him. They said: Abu Israil. He took a vow that he would remain standing; he would neither sit nor take shelter under a shade, nor talk but keep fast. The Holy Prophet said: Give him

يُغْنِي مِنَ الْقَدَرِ شَيْئًا وَاِنَّمَا يُسْتَخْرَجُ مِنَ الْبَخِيلِ * (مُتَّفَقٌ عَلَيْهِ)

عَنْ عَائِشَةَ اَنَّ رَسُولَ اللهِ صلعم قَالَ مَنْ نَذَرَ اَنْ يُطِيعَ اللهَ فَلْيُطِعْهُ وَمَنْ نَذَرَ اَنْ يَعْصِيَهُ فَلَا يَعْصِهِ * (اَلْبُخَارِيُّ)

عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ قَالَ رَسُولُ اللهِ صلعم لَا وَفَاءَ لِنَذْرٍ فِي مَعْصِيَةٍ وَلَا فِي مَا لَا يَمْلِكُ الْعَبْدُ وَفِي رِوَايَةٍ لَا نَذْرَ فِي مَعْصِيَةِ اللهِ * (مُسْلِمٌ)

عَنْ عُقْبَةَ بْنِ عَامِرٍ عَنْ رَسُولِ اللهِ صلعم قَالَ كَفَّارَةُ النَّذْرِ كَفَّارَةُ الْيَمِينِ (مُسْلِمٌ)

عَنِ ابْنِ عَبَّاسٍ قَالَ بَيْنَا النَّبِيُّ صلعم يَخْطُبُ اِذَا هُوَ بِرَجُلٍ قَائِمٍ فَسَأَلَ عَنْهُ فَقَالُوا اَبُو اِسْرَائِيلَ نَذَرَ اَنْ يَقُومَ وَلَا يَقْعُدَ وَلَا يَسْتَظِلَّ وَلَا يَتَكَلَّمَ وَيَصُومَ فَقَالَ

1139. The miser does not give alms unless compelled by unforseen calamities. At that time, he takes a vow of charity provided a certain calamity is removed.

1140. A vow regarding commission of a sin is disallowed. No expiation is required in case of breach of such a vow according to Imam Malek and Shafeyi but expiation is required according to Imam Abu Hanifa.

direction. Let him talk, let him sit under a shade, let him sit down, and let him fulfil his fasting.[1141] —*Bukhari.*

النبي صلعم مروه فليتكلم وليستظل وليقعد وليتم صومه * (البخاري)

26. **Anas** reported that the Apostle of Allah said to an old man who was being led by his two sons. He asked: What is the matter with him? They said: He made a vow that he would walk. He said: Verily Allah is free from this self-inflicment, and he ordered him to ride. *Agreed upon it. And In a narration of Muslim,* from Abu Hurairah, he said: Ride on, O old man, because Allah is free from want of you and of your vow.[1142]

عن انس ان النبي صلعم راى شيخا يهادى بين ابنيه فقال ما بال هذا قالوا نذر ان يمشي قال ان الله عن تعذيب هذا نفسه لغني وامره ان يركب متفق عليه وفي رواية لمسلم عن ابي هريرة قال اركب ايها الشيخ فان الله غني عنك وعن نذرك *

27. **Ibn Abbas** reported that Sa'ad-b-Obadah asked decision about a vow which was due from his mother who died before she had fulfilled it. He gave decision to him that he should fulfil it on her behalf.[1143] —*Agreed.*

عن ابن عباس ان سعد بن عبادة استفتى النبي صلعم في نذر كان على امه فتوفيت قبل ان تقضيه فافتاه ان يقضيه عنها * (متفق عليه)

1141. Fasting in fulfilment of a vow for the whole year is allowed except for the sheduled five days.

1142. According to Imam Shafeyi, no expiation in case of such breach is necessary. Imam Abu Hanifa says that there is expiation of the sacrifice of an animal in such a case. It is said by the Sunni Ulemas that in case of a vow of pilgrimage, it becomes binding to fulfil it on the part of an able-bodied man.

1143. According to this decision, Sa'ad supplied drinking water to the people. According to Sunni law, the heirs are bound to fulfil a vow of their predecessor if it concerns with the property left by the deceased. If it can not be fulfilled by such property, it is not binding.

28. **Ka'ab-b-Malek** reported: I asked: O Ms. of Allah, verily my repentance is that I should give away in charity the whole of my property to Allah and to His Apostle. The Prophet said: Keep something of your property; that is better for you. I said: I shall then keep my share which has been acquired at Khaiber. 1148a —*Agreed*,

عن كعب بن مالك قال قلت يا رسول الله صلعم ان من توبتي ان انخلع من مالي صدقة الى الله و الى رسوله فقال رسول الله صلعم امسك بعض مالك فهو خير لك قلت فاني امسك سهمي الذي بخيبر * (متفق عليه)

29. **Ayesha** reported that the Ms. of Allah said: There is no vow in transgression. Its expiation is expiation of oath. —*Abu Daud, Tirmizi, Nisai.*

عن عائشة قالت قال رسول الله صلعم لا نذر في معصية فكفارته كفارة اليمين * (ابوداود والترمذي والنسائي)

30. **Ibn Abbas** reported that the Apostle of Allah said: Whoso takes a vow without naming it, its expiation is the expiation of an oath; and whoso takes a vow in transgression, its expiation is expiation of an oath; and whoso takes a vow which he cannot fulfil, its expiation is expiation of an oath; and whoso takes a vow which he can fulfill, let him fulfil it. —*Abu Daud, Ibn Majah.*

عن ابن عباس ان رسول الله صلعم قال من نذر نذرا لم يسمه فكفارته كفارة يمين و من نذر نذرا في معصية فكفارته كفارة يمين ومن نذر نذرا لا يطيقه فكفارته كفارة يمين و من نذر نذرا طاقه فليف به * (ابوداود وابن ماجة)

1148a. When the Holy Prophet went to the expedition of Tabuk, Ka'ab-b-Malek, Mararah-b-Rabi, and Hilab-b-Ummayyah kept behind and did not join the expedition. When the Prophet returned from Tabuk with success, he ordered his companions to stop conversations with the above three persons. They then became repentant, and their repentance was accepted by Allah in the following verse:—And upon the three who kept behind etc (9:118Q). The repentance here mentioned is in this connection. This shows that beyond ⅓rd, no property can be disposed of if there is heir. This is a sound policy from worldly point of view.

31. Sabet-b-Zuhhak reported that a man took a vow at the time of the Apostle of Allah to sacrifice a camel at Bowalah. He came to the Ms. of Allah and informed him. The Holy Prophet said: Is there any idol from the idols of the Days of Ignorance to be worshipped? 'No' said they. He said: Is their any festival out of their festivals? 'No' said they. The Messenger of Allah said: Fulfil your vow, because there is no fulfilment of a vow in disobedience to Allah, nor in what the son of Adam does not control. —*Abu Daud.*

عن ثابت بن الضحاك قال نذر
رجل على عهد رسول الله صلعم ان ينحر
ابلا ببوالة فاتى رسول الله صلعم فاخبره
فقال رسول الله صلعم هل كان فيها وثن
من اوثان الجاهلية يعبد قالوا لا قال
فهل كان فيها عيد من اعيادهم قالوا
لا فقال رسول الله صلعم اوف بنذرك
فانه لا وفاء لنذر في معصية الله ولا
في ما لا يملك ابن ادم * (ابوداود)

32. Amr-b-Shuaib from his father who from his grandfather reported that a woman asked: O Ms. of Allah, verily I took a vow to strike you upon your head with 'daf'. He said: Fulfil your vow.[1144] —*Abu Daud.*

عن عمرو بن شعيب عن ابيه عن
جده ان امرأة قالت يا رسول الله اني
نذرت ان اضرب على رأسك بالدف
قال اوفي بنذرك * (ابوداود)

33. Jaber-b-Abdullah reported that a man stood on the Day of Victory and asked: O Ms. of Allah, I took a vow for the Almighty and Glorious Allah that if Allah give you victory over Mecca, I shall say prayer in the Holy House (of Jerusalem) of two rak'ats. He said:

عن جابر بن عبد الله ان رجلا قام
يوم الفتح فقال يارسول الله اني نذرت لله
عز وجل ان فتح الله عليك مكة ان
اصلي في بيت المقدس ركعتين

1144. To this tradition, Razin added: She said: I took a vow that I would sacrifice in such a place etc. as in the above tradition. This also shows that to beat 'daf' is lawful.

Pray here. Then he asked him again. He said: Pray here. Then he asked him again. He said: Pray here. Then he asked him. He said: In that case, the affair is yours.

—*Abu Daud.*

قَالَ صَلِّ هٰهُنَا ثُمَّ اَعَادَ عَلَيْهِ فَقَالَ صَلِّ هٰهُنَا ثُمَّ اَعَادَ عَلَيْهِ فَقَالَ صَلِّ هٰهُنَا ثُمَّ اَعَادَ عَلَيْهِ فَقَالَ شَأْنُكَ اِذًا * (ابوداود)

34. Ibn Abbas reported that the sister of Oqbah-b-Amer took a vow to make pilgrimage on foot while she was not capable of doing it. The Holy Prophet said: Verily Allah is free from walking of your sister. Let her ride and offer a young camel for sacrifice. Abu Daud and Darimi narrated it. And in a narration of Abu Daud: The Holy Prophet ordered her to ride and to send offering. And in his (another) narration: The Holy Prophet said: Verily Allah does not gain anything for trouble of your sister. Let her make pilgrimage by riding, and let her make expiation for her oath. 1145

عَنِ ابْنِ عَبَّاسٍ اَنَّ اُخْتَ عُقْبَةَ بْنِ عَامِرٍ نَذَرَتْ اَنْ تَحُجَّ مَاشِيَةً وَاِنَّهَا لَا تُطِيْقُ ذٰلِكَ فَقَالَ النَّبِيُّ صلعم اِنَّ اللّٰهَ لَغَنِيٌّ عَنْ مَشْيِ اُخْتِكَ فَلْتَرْكَبْ وَلْتُهْدِ بَدَنَةً رواه ابوداود والدارمي وَفِيْ رِوَايَةٍ لِاَبِيْ دَاوُدَ فَاَمَرَهَا النَّبِيُّ صلعم اَنْ تَرْكَبَ وَتُهْدِيَ هَدْيًا وَفِيْ رِوَايَةٍ لَهُ فَقَالَ النَّبِيُّ صلعم اِنَّ اللّٰهَ لَا يَصْنَعُ بِشَقَاءِ اُخْتِكَ شَيْئًا فَلْتَحُجَّ رَاكِبَةً وَتُكَفِّرْ يَمِيْنَهَا *

35. Abdullah-b-Malek reported that Oqbah-b-A'mer asked the Prohhet about his sister who took vow that she would make pilgrimage barefooted, and bear-headed. He said: Bid her, let her take veil, and let

عَنْ عَبْدِ اللّٰهِ بْنِ مَالِكٍ اَنَّ عُقْبَةَ بْنَ عَامِرٍ سَأَلَ النَّبِيَّ صلعم عَنْ اُخْتٍ لَهُ نَذَرَتْ اَنْ تَحُجَّ حَافِيَةً غَيْرَ مُخْتَمِرَةٍ فَقَالَ مُرُوْهَا فَلْتَخْتَمِرْ وَلْتَرْكَبْ وَلْتَصُمْ

1145. Hadyah is an animal which is sent to Mecca for sacrifice.

her ride and let her fast for three days.[1146] —*Abu Daud, Tirmizi, Nisai, Ibn Majah.*

ثَلٰثَةَ اَيَّامٍ *

(ابوداود والترمذي والنسائي وابن ماجة)

36. Sayeed-b-Musayyeb reported that there was a heritage for two brothers of the Ansars. One of them asked another for partition. He said: If you repeat asking me about partition, the whole of my property will be on the floor of the Ka'ba. Omar said to him: Verily the Ka'ba is free from your property. Make expiation for your oath and speak to your brother (about it), because I heard the Ms. of Allah say: There is no oath on you and no vow in transgression of Allah, nor in breaking connection with kith and kin, nor in what he does not control. —*Abu Daud.*

عَنْ سَعِيْدِ بْنِ الْمُسَيَّبِ اَنَّ اَخَوَيْنِ مِنَ الْاَنْصَارِ كَانَ بَيْنَهُمَا مِيْرَاثٌ فَسَاَلَ اَحَدُهُمَا صَاحِبَهُ الْقِسْمَةَ فَقَالَ اِنْ عُدْتَ تَسْاَلُنِيْ الْقِسْمَةَ فَكُلُّ مَالِيْ فِيْ رِتَاجِ الْكَعْبَةِ فَقَالَ لَهُ عُمَرُ اِنَّ الْكَعْبَةَ غَنِيَّةٌ عَنْ مَالِكَ كَفِّرْ عَنْ يَمِيْنِكَ وَكَلِّمْ اَخَاكَ فَاِنِّيْ سَمِعْتُ رَسُوْلَ اللّٰهِ صلعم يَقُوْلُ لَا يَمِيْنَ عَلَيْكَ وَلَا نَذْرَ فِيْ مَعْصِيَةِ الرَّبِّ وَلَا فِيْ قَطِيْعَةِ الرَّحِمِ وَلَا فِيْمَا لَا يَمْلِكُ * (ابوداود)

37. Imran-b-Hussain reported: I heard the Ms. of Allah say: Vow is of two kinds: Whoso has vowed in obedience (to Allah), that is for Allah, and there shall be fulfilment therein; and whoso has vowed about transgression, that is for the devil, and there shall be no fulfilment therein, and its expiation will be the expiation of oath. —*Nisai.*

عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ سَمِعْتُ رَسُوْلَ اللّٰهِ صلعم يَقُوْلُ النَّذْرُ نَذْرَانِ فَمَنْ كَانَ نَذَرَ فِيْ طَاعَةٍ فَذٰلِكَ لِلّٰهِ فِيْهِ الْوَفَاءُ وَمَنْ كَانَ نَذَرَ فِيْ مَعْصِيَةٍ فَذٰلِكَ لِلشَّيْطَانِ وَلَا وَفَاءَ فِيْهِ وَيُكَفِّرُهُ مَا يُكَفِّرُ الْيَمِيْنَ * (النسائي)

1146. This shows that women shall put on veil even at the time of "Ihram", while the males shall remain uncovered of head. Veil has therefore been sanctioned by Islam, and this is really Purdah which is termed in our country.

342w. Abu Lobabah reported that he asked the Holy Prophet: Verily my repentance is that I should leave the land of my people wherein I committed sin, and dispose of the whole of my properties in charity. He said: ⅓rd is lawful for you.[1147] —*Razin.*

عن ابي لبابة انه قال للنبي صلعم ان من توبتي ان اهجر دار قومي التي اصبت فيها الذنب وان انخلع من مالي كله صدقة قال يجزي عنك الثلث * (رزين)

343w. Muhammad-b-Muntasher reported that a man took a vow to sacrifice himself if Allah saves him from his enemy. He asked Ibn Abbas who said to him: Ask Masruq. He asked him and he said to him: Don't sacrifice yourself, because if you are a believer, you will be killing a believing soul; and if you are an unbeliever, you will be hastening towards the fire. Purchase a ram, and sacrifice it for the poor, for verily Isaac is better than you, and he was ransomed with a ram. He then informed IbnAbbas. He said: Thus I wished to give you decision. —*Razin.*

عن محمد بن المنتشر قال ان رجلا نذر ان ينحر نفسه ان نجاه الله من عدوه فسأل ابن عباس فقال له سل مسروقا فسأله فقال له لا تنحر نفسك فانك ان كنت مؤمنا قتلت نفسا مؤمنة وان كنت كافرا تعجلت الى النار واشتر كبشا فاذبحه للمساكين فان اسحاق خير منك وفدي بكبش فاخبر ابن عباس فقال هكذا كنت اردت ان افتيك * (رزين)

1147. When the Holy Prophet laid siege to the fort of Banu Quraizah, the Jews asked for a companion of the Holy Prophet and not the Prophet to act as mediator. Abu Lobabah was selected by the Jews for the purpose. He went to the Jews who honoured him with due honour. He was moved to compassion and told the Jews secretly that the Prophet would have put them to death, if he was not selected as mediator. The verse was then revealed regarding Abu Lobabah: O those who believe, don't commit treachery with Allah and His Prophet and your (Q). Afterwards he became repentant and took a vow of not removing himself from a corner of the mosque. He tied himself to a post for seven days. Then his repentance was accepted.

CHAPTER XXV

SECTION 1

1148. The Laws of Crimes

(a) Meaning of Hudud. The penal laws of Islam are called *Hudud* which is a plural of *Had* meaning restraint or limit. Hence *Had* means a restrictive ordinance respecting lawful and unlawful things. In Jurisprudence, *Hudud* means all laws of crimes of which punishment has been prescribed in the Holy Quran. The offences whereof the punishments have not been prescribed by the Holy Quran are generally called *T'zir* (minor crimes) or *Oqubah* (punishment). The punishment of these minor crimes has been left entirely at the discretion of the rulers or Imams, and consequently of the judges and magistrates of the Estate.

(b) **All violations of the divine laws are not punishable in this world.** The violation of the important rights of men in general is punishable. The object of Islam is peace with God and peace with His creation. The violations of the laws breaking peace with God and the violations of the laws breaking peace with the lower animals and plants have got no prescribed ordinances in the Quran. The *Hudud* or the laws of crimes are only concerned with the violations of the principal rights of men. The general principle of punishment is retaliation but there is the reservation of forgiveness. An individual whose rights have been encroached may forgive or waive his right of retaliation but the Estate or its officers cannot do. In the British law, the right of mercy and pardon goes to the head of a Government but it is otherwise in Islam. Only the person wronged can forgive. Islam therefore gives a right in the oppressed person. Islam says that Allah will not forgive an encroachment upon the rights of the fellow-beings unless the persons affected forgive. Even God Himself delegates the power of forgiveness to the injured. Hence the governments may emulate His example by not interfering with the rights of the oppressed people. The Quran

says: And the punishment of evil is the punishment proportionate thereto, but whoso forgives and amends, he shall have his reward from Allah—42:40Q. So God gives an opportunity to mankind of exercising the virtue of forgiveness.

(c) **Everybody, Muslim or non-Muslim, is equal in the eye of the criminal laws.** Muslims or non-Muslims are equally liable for commission of the ordained crimes and there is not the slightest distinction in God-made laws. The Holy Prophet said that the former generations were punished as the criminals coming from upper class were let off without punishment while the criminals coming from the lower class were punished. The Prophet said: Whoso kills a covenanted man, shall not perceive the odour of Paradise (25:10). The Quran says: Whoso kills anyone, unless it be for man-slaughter or mischief in the land, it is as it were he slew all men—5:32Q. This verse does not speak of only the Muslims, but also of the people in general. The Prophet said: Their property is like our property and their blood is like our blood (25:10). Once the Prophet said: Had Fatima committed theft, I would have cut off her hands (25:2). Hazrat Ali said: The blood of the Zimmi (protected non Muslim) is like the blood of the Muslim; his goods and chattles are like those of the Muslims (The spirit of Islam). Amongst the Muslims themselves, there is the same equality in the execution of the ordained sentences. The Prophet said: The Muslims—their bloods are equal (3:95). The only distinction that can be made is with the execution of the sentences for minor crimes which have been left at the discretion of the judges and magistrates. In these latter cases, respectable men may be shown clemency according to extrenuating circumstances of the crimes—25:101.

(d) **The major crimes for which punishments have been ordained are the following**: (1) Murder, (2) dacoity and rebellion, (3) wheredom, (4) theft, (5) accusation of whoredom. They have been separately discussed in their appropriate sections.

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1. **Ali** reported from the Holy Prophet who said: Whoso

عَنْ عَلِيٍّ عَنِ النَّبِيِّ صلعم قَالَ مَنْ

commits an ordained crime, his sentence is hastened in this world. Then Allah is much more just than that He should make the punishment double on His servant in the next world. Whoso commits an ordained crime and then Allah conceals it from him and pardons him, Allah is more honourable than that He should return to a thing which He has pardoned.
—*Tirmizi, Ibn Majah.*

أَصَابَ حَدًّا فَعُجِّلَ عُقُوبَتُهُ فِي الدُّنْيَا فَاللهُ أَعْدَلُ مِنْ أَنْ يُثَنِّيَ عَلَى عَبْدِهِ الْعُقُوبَةَ فِي الْآخِرَةِ وَمَنْ أَصَابَ حَدًّا فَسَتَرَهُ اللهُ عَلَيْهِ وَعَفَى عَنْهُ فَاللهُ أَكْرَمُ مِنْ أَنْ يَعُودَ فِي شَيْءٍ قَدْ عَفَا عَنْهُ *

(اَلتِّرْمِذِيُّ وَابْنُ مَاجَةَ)

314w. Khuzaimah-b-Sabat reported that the Ms. of Allah said: Whoever commits a crime, the ordained sentence of that crime shall be inflicted on him. That will be its expiation.
—*Sharhi Sunnat.*

عَنْ خُزَيْمَةَ بْنِ ثَابِتٍ قَالَ قَالَ رَسُولُ اللهِ صلعم مَنْ أَصَابَ ذَنْبًا أُقِيمَ عَلَيْهِ حَدُّ ذَلِكَ الذَّنْبِ فَهُوَ كَفَّارَتُهُ *

(شَرْحُ السُّنَّةِ)

SECTION 2

1149. Plead in ordained crimes

Pleading in the major crimes is unlawful. The Quran says: And let not pity for them detain you in the matter of obedience to Allah if you believe in Allah and the last day—24:2Q. It appears, therefore, that in order to secure peace and order in the land, punishment of the crimes must be meted out, and there shall be no pleading for remission thereof. The Prophet also prohibited pleading in the major crimes against truth. He said: He who guides towards good has got a portion of it, and he who guides towards bad has got a portion of it. It appears therefore that pleading for a good cause and truth brings reward, while pleading for bad cause and for establishing a false case brings sin and ruin.

2. **Ayesha** reported that verily as for the Quraish—the affair of a woman of Mukhjumiyah tribe who had stolen gave them much anxiety. They said: Who will plead for her to the Ms. of Allah? They said: Who will dare it than Osamah, son of Zaid, who is a favourite of the Ms. of Allah. Then Osamah pleaded to him. The Ms. of Allah said: You plead for a crime out of the ordained crimes of Allah! Then he got up and delivered sermon. Afterwards he said: Verily those who were before you were destroyed because when a noble man from them committed theft, they let him off, and when a weak man committed theft from among them, they executed sentence on him. By Allah, had Fatemah, daughter of Muhammad, committed theft, I would have cut off her hand.
—*Agreed.*

عن عائشة ان قريشا اهمهم شان المرأة المخزومية التي سرقت فقالوا من يكلم فيها رسول الله صلعم فقالوا ومن يجترئ عليه الا اسامة بن زيد حب رسول الله صلعم فكلمه اسامة فقال رسول الله صلعم تشفع في حد من حدود الله ثم قام فاختطب ثم قال انما اهلك الذين قبلكم انهم كانوا اذا سرق فيهم الشريف تركوه واذا سرق فيهم الضعيف اقاموا عليه الحد وايم الله لو ان فاطمة بنت محمد سرقت لقطعت يدها * (متفق عليه)

3. **Abbullah-b-Omar** reported: I heard the Ms. of Allah say: Whoso's pleading prevents a sentence out of the ordained sentences of Allah, he has indeed opposed Allah; and whoso contends in an unlawful thing while he knows it (as such), will continue to be in the wrath of Allah till he leaves it; and

عن عبد الله ابن عمر قال سمعت رسول الله صلعم يقول من حالت شفاعته دون حد من حدود الله فقد ضاد الله ومن خاصم في باطل وهو يعلمه لم يزل في سخط الله حتى ينزع ومن

whoso says about a believer what is not in him, Allah will accommodate him in a ditch of hellish puses, till he comes out from what he said.

—*Ahmad, Abu Daud.*

قَالَ فِي مُؤْمِنٍ مَا لَيْسَ فِيهِ أَسْكَنَهُ اللهُ رَدْغَةَ الْخَبَالِ حَتَّى يَخْرُجَ مِمَّا قَالَ * (احمد و ابوداود)

4. **Abu Omamah** reported that the Ms. of Allah said: Whoso intercedes an intercession for anybody and then he is given present for it and he accepts it, he comes to a great door out of the doors of usury. —*Abu Daud.*

عَنْ أَبِي أُمَامَةَ أَنَّ رَسُولَ اللهِ صلعم قَالَ مَنْ شَفَعَ لِأَحَدٍ شَفَاعَةً فَأَهْدَى لَهُ هَدِيَّةً عَلَيْهَا فَقَبِلَهَا فَقَدْ أَتَى بَابًا عَظِيمًا مِنْ أَبْوَابِ الرِّبَا * (ابوداود)

SECTION 2

1150. The sentence of murder

The sin of murder is great. It is rather the greatest sin so far as the violation of the rights of the follow-bings is concerned. Hence the extreme penalty of law has been prescribed for murder. In other words, there is the sentence of death in case of culpable homicide. This is the general law of Islam. Islam, however, unlike any other system of law, gave a right in the heirs of the murdered person to forego the sentence of death prescribed by law and take sufficient indemnity for murder. Blood-money is therefore a good substitute for capital punishment because the loss by murder of a sole bread-winner to old and helpless parents is hardly compensated by the hanging of the murderer. The Quran says: And whoever is slain unjustly, We have indeed given to his heir authority—7:33Q. The heirs may even remit the money and show an act of clemency. This forgiveness is regarded as a great meritorious act in the eye of religion. The Quran says: O you who believe! retaliation is prescribed for you in the matter of the murdered person, the free for the free, the slave for the slave,

the female for the female; but if remission is made by anyone of his (aggrieved) brother, then blood-wit should be paid accor- to usage, payment should be made to him in good manner. There is life for you in the law of retaliation, O man of understanding, that you may guard yourselves—2:178, 179. The Quran again says; Whoso forgives and amends, he shall have his reward from Allah—42:40Q.

Scanning the verses a little, it is seen that the murderer shall be put to death. If a free man is the murderer, he himself is to be put to death irrespective of the status of the murdered person who may be a slave, or a woman or a non-Muslim. In pre-Islamic Arabia, there was distinction. By this verse the distinction was removed. In the Indian Penal Code, the heirs of the murdered person gets nothing, nor are they given any right of forgiveness. It is only Islam that gives a legal right on the oppressed persons. It is for the people who argue to abolish capitol sentence to judge as to which law is better. This is so far as the culpable homicide is concerned. With regard to unintentional murder, there is no capital sentence. Only blood-wit has been prescribed. The Quran says: And it does not befit a believer to kill a believer except by mistake, and whoso kills a believer by mistake, he should free a believing slave and blood-movey should be paid to his people unless they remit it as alms; but if he be from a tribe hostile to you and he is a believer, the freeing of a believing slave suffices, and if he is from a tribe between whom and you there is treaty, the blood-money should be paid to his people along with the freeing of a slave, but he who cannot find a slave should fast for two consequitive months—4:92Q. If the murderer is doubtful, blood-money may be ordered to be paid. Where the murderer cannot be discovered, blood-money shall be paid from the State Treasury.

It appears from the tradition 25:14 that a Muslim shall not be killed for the murder of a non-Muslim. This is however applicable in a state of unrest and not in normal and peaceful times. (See note 1160). This is also clear from hadis no 25:10.

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5. **Abdullah-b-Mus'ud** reported that the Apostle of Allah said: The murderer of a Muslim bearing witness 'that there is no god but Allah and that I am the Messenger of Allah' is not lawful except for one of the three (reasons): life for a life, a married adulterer and a retrogade from his religion—one who leaves the united body [1151] —*Agreed.*

عَنْ عَبْدِ اللهِ بْنِ مَسْعُوْدٍ قَالَ قَالَ رَسُوْلُ اللهِ صلعم لَا يَحِلُّ دَمُ امْرِءٍ مُسْلِمٍ يَشْهَدُ اَنْ لَا اِلٰهَ اِلَّا اللهُ وَاَنِّي رَسُوْلُ اللهِ اِلَّا بِاِحْدٰى ثَلٰثٍ النَّفْسُ بِالنَّفْسِ وَالثَّيِّبُ الزَّانِي وَالْمَارِقُ لِدِيْنِهِ التَّارِكُ لِلْجَمَاعَةِ * (مُتَّفَقٌ عَلَيْهِ)

6. **Abdullah-b-Mus'ud** repor- that the Messenger of Allah said: The first of what will be decided on the Resurrection Day among the people will be about (murder). [1152] —*Bukhari.*

عَنْ عَبْدِ اللهِ ابْنِ مَسْعُوْدٍ قَالَ قَالَ رَسُوْلُ اللهِ صلعم اَوَّلُ مَا يُقْضٰى بَيْنَ النَّاسِ يَوْمَ الْقِيٰمَةِ فِي الدِّمَاءِ * (مُتَّفَقٌ عَلَيْهِ)

7. **Ibn Omar** reported that the Messenger of Allah said: The believer continues to be broad-minded about his religion till he does not shed unlawful blood. [1153] —*Bukhari.*

عَنِ ابْنِ عُمَرَ قَالَ قَالَ رَسُوْلُ اللهِ صلعم لَنْ يَزَالَ الْمُؤْمِنُ فِي فُسْحَةٍ مِنْ دِيْنِهِ مَا لَمْ يُصِبْ دَمًا حَرَامًا * (اَلْبُخَارِيُّ)

8. **Meqdad-b-al-Aswad** reported that he asked: O Messenger of Allah! informed me that,

عَنِ الْمِقْدَادِ بْنِ الْاَسْوَدِ اَنَّهُ قَالَ

1151. Murder of a Muslim is unlawful except for three reasons; (1) for the murder of a man unjustly and without right; (2) for commission of adultery in marriage wed-lock; (3) for retrogession from the religion of Islam i.e. a rebel. Imam Abu Hanifa holds that a woman rebel cannot be lawfully murdered.

1152. There are duties towards Allah and duties towards His creatures. The first thing of the former kind of duties that will be asked on the Resurrection Day will be about prayer; and the first thing of the second kind will be about shedding of unlawful blood.

1153. 'Broad minded in his religion' means that he will be under kindness and favour of Allah till he does not shed unlawful blood. As soon as he sheds unlawful blood, he looses the mercy of the Almighty.

if I meet one of the polytheists and then fight with him, and he (polytheist) strikes one of my hands with sword and cuts it off, and then seeks refuge to me behind a tree and says "I accepted Islam for Allah", (and in a narration: when I was about to kill him, he uttered "There is no god but Allah)', I should whether kill him after he uttered it. He said: Don't kill him. He asked: O Ms. of Allah, verily he cut off one of my hands. The Messenger of Allah said: Don't kill him; if you kill him, he will be in your position before you have killed him, and you are in his position before he uttered what he uttered. 1154 —*Agreed.*

يَا رَسُوْلَ اللهِ أَرَأَيْتَ إِنْ لَقِيْتُ رَجُلاً مِّنَ الْكُفَّارِ فَاقْتَتَلْنَا فَضَرَبَ إِحْدَى يَدَيَّ بِالسَّيْفِ فَقَطَعَهَا ثُمَّ لَاذَ مِنِّي بِشَجَرَةٍ فَقَالَ أَسْلَمْتُ لِلّٰهِ وَفِي رِوَايَةٍ فَلَمَّا أَهْوَيْتُ لِأَقْتُلَهُ قَالَ لَا إِلٰهَ إِلَّا اللهُ أَقْتُلُهُ بَعْدَ أَنْ قَالَهَا قَالَ لَا تَقْتُلْهُ فَقَالَ يَا رَسُوْلَ اللهِ إِنَّهُ قَطَعَ إِحْدَى يَدَيَّ فَقَالَ رَسُوْلُ اللهِ صلعم لَا تَقْتُلْهُ فَإِنْ قَتَلْتَهُ فَإِنَّهُ بِمَنْزِلَتِكَ قَبْلَ أَنْ تَقْتُلَهُ وَإِنَّكَ بِمَنْزِلَتِهِ قَبْلَ أَنْ يَقُوْلَ كَلِمَتَهُ الَّتِيْ قَالَ * (مُتَّفَقٌ عَلَيْهِ)

9. **Osamah-b-Zaid** reported: The Holy Prophet deputed us to some men of Zuhainah. I came to one of them and was going to attack him (when) he uttered "There is no god but Allah". Then I attacked him and killed him. I came to the Holy Prophet and informed him. He said: Have you killed him while he uttered "There is no god but Allah?" I

عَنْ أُسَامَةَ بْنِ زَيْدٍ قَالَ بَعَثَنَا رَسُوْلُ اللهِ صلعم إِلَى أُنَاسٍ مِّنْ جُهَيْنَةَ فَأَتَيْتُ عَلَى رَجُلٍ مِّنْهُمْ فَذَهَبْتُ أَطْعَنُهُ فَقَالَ لَا إِلٰهَ إِلَّا اللهُ فَطَعَنْتُهُ فَقَتَلْتُهُ فَجِئْتُ إِلَى النَّبِيِّ صلعم فَأَخْبَرْتُهُ فَقَالَ أَقَتَلْتَهُ وَقَدْ شَهِدَ أَنْ لَّا إِلٰهَ إِلَّا اللهُ قُلْتُ يَا رَسُوْلَ

1154. It means that his blood was lawful so long as he was an unbeliever, but as soon as he uttered the formula of faith, his blood became unlawful. One who sheds unlawful blood is guilty of murder.

replied : O Ms. of Allah, verily he has done it by way of seeking refuge. He said : Why have you not pierced through his heart ?[1155] *Agreed upon it. And in a narration of Jundab b-Abdullah al-Bazliy* who said that the Messenger of Allah said : How shall you do with "There is no god but Allah" when it will come on the Resurrection Day ? He repeated it several times. —*Muslim.*

اللهِ إِنَّمَا فَعَلَ ذَٰلِكَ تَعَوُّذًا قَالَ فَهَلَّا
شَقَقْتَ عَنْ قَلْبِهِ مُتَّفَقٌ عَلَيْهِ وَفِي رِوَايَةِ
جُنْدُبِ بْنِ عَبْدِ اللهِ الْبَجَلِيِّ إِنَّ رَسُولَ
اللهِ صلعم قَالَ كَيْفَ تَصْنَعُ بِلَا إِلٰهَ إِلَّا
اللهُ إِذَا جَاءَتْ يَوْمَ الْقِيٰمَةِ قَالَهُ مِرَارًا ٭
(مُسْلِم)

10. **Abdullah-b-Amr** reported that the Messenger of Allah said : Whoso kills a covenanted man[1156] shall not perceive the odour of Paradise, and verily its odour will be felt from a distance of 40 years' (journey). —*Bukhari.*

عَنْ عَبْدِ اللهِ بْنِ عَمْرٍو قَالَ قَالَ
رَسُولُ اللهِ صلعم مَنْ قَتَلَ مُعَاهَدًا لَمْ
يَرِحْ رَائِحَةَ الْجَنَّةِ وَإِنَّ رِيحَهَا تُوجَدُ
مِنْ مَسِيرَةِ أَرْبَعِينَ خَرِيفًا (الْبُخَارِي)

11. **Abu Shuraih al-Ka'bi** reported from the Holy Prophet who said : O Khuja'a, you have after all killed this man of Huzail ; and by Allah, I shall be one who will redeem his blood. Whoso kills anybody after him, his heirs will have two options ; if they like, they

عَنْ أَبِي شُرَيْحٍ الْكَعْبِيِّ عَنْ رَسُولِ
اللهِ صلعم قَالَ ثُمَّ أَنْتُمْ يَا خُزَاعَةُ قَدْ
قَتَلْتُمْ هَذَا الْقَتِيلَ مِنْ هُذَيْلٍ وَأَنَا وَاللهِ
عَاقِلُهُ مَنْ قَتَلَ بَعْدَهُ قَتِيلًا فَأَهْلُهُ بَيْنَ

1155. In other words, only Allah knows his motive and not men. Therefore verval utterance will be sufficient to make the blood unlawful.

1156. A covenanted man is one with whom or with whose tribe or people, a treaty has been made. Such man is called in Arabic Zimmo or non-Muslim under protection of the Muslims.

may kill ; and if they like, they may take blood-money.[1157] —*Tirmizi, Shafeyi.*

خيرتين إن أحبوا قتلوا وإن أحبوا أخذوا العقل * (الترمذي والشافعي)

12. **Anas** reported that a Jew grinded the head of a girl between two stones. It was questioned to her: Who has done this to you?—So and so, so and so—till he named the Jew. She then gave a hint with her head. The Jew was brought and he confessed. Then the Mesenger of Allah passed order about him, and his head was grinded with stones.[1158] —*Agreed.*

عن أنس أن يهوديا رض رأس جارية بين حجرين فقيل لها من فعل بك هذا أفلان أفلان حتى سمي اليهودي فأومأت برأسها فجيء باليهودي فاعترف فأمر به رسول الله صلعم فرض رأسه بالحجارة * (متفق عليه)

13. **Same** reported that Rubey'e (and she was aunt of Anas-b-Malek) broke one tooth of a girl of the Ansars. They came to the Messenger of Allah who passed order for retaliation. Anas-b-Nazr (uncle of Anas-b-Malek) said: No, by Allah, O Ms. of Allah, her tooth will not be broken. The Messenger of Allah said: O Anas! the ordinance of Allah is

عنه قال كسرت الربيع وهي عمة أنس بن مالك ثنية جارية من الأنصار فأتوا النبي صلعم فأمر بالقصاص فقال أنس بن النضر عم أنس بن مالك لا والله لا تكسر ثنيتها يا رسول الله فقال رسول الله صلعم يا أنس كتاب الله

1157. In Sahihs, Bukhari and Muslim, there is a tradition of this import but not embodied in these words The Holy Prophet read the first portion of this hadis on the day of the conquest of Mecca. Khuja'a killed a man of Huzail in exchange of a man of his own who was killed in the Days of Ignorance. The Holy Prophet paid his blood-price in order to avoid disturbance between the two peoples. According to this hadis, it is seen that the heir of a murdered man has got two courses open to him—either to kill the murderer or to take blood-price. This is the view of Imams Abu Hanifa, Shafeyi Malek and Ahmad. Imam Malek holds however that blood-price is not lawful unless with the consent of the murderer.

1158. Imam Abu Hanifa differs rom all in this respect that retaliation short of murder cannot be taken. This was done, according to him, from a political point of view.

retaliation.[1159] The people were then pleased and accepted ransom. The Messenger of Allah said: Verily there is someone among the servants of Allah who, when he takes oath by Allah, certainly fulfils it. —*Agreed.*

القصاص فرضي القوم وقبلوا الارش فقال رسول الله صلعم ان من عباد الله من لو اقسم على الله لابره * (متفق عليه)

14. **Abu Huzaifah** reported: I asked Ali: Have you got anything which is not in the Quran? He replied: By One who split up seeds and created breath, there is nothing with us but what is in the Quran, except understanding which a man is given regarding his Book and what is in the scripture. I asked: And what is in the scripture? He said: (Payment of) blood-money, setting free of a captive, and not to kill a Muslim in exchange of an unbeliever.[1160] —*Bukhari.*

عن ابي جحيفة قال سألت عليا هل عندكم شيء ليس في القرآن فقال والذي فلق الحبة وبرأ النسمة ما عندنا الا ما في القرآن الا فهما يعطى رجل في كتابه وما في الصحيفة قلت وما في الصحيفة قال العقل وفكاك الاسير وان لا يقتل مسلم بكافر. (البخاري)

15. **Abn Àbbas** reported that the Messenger of Allah said: No sentences shall be executed within the mosque, and no blood-wit shall be realised from a father in exchange of (his) child. —*Tirmizi, Darimi.*

عن ابن عباس قال قال رسول الله صلعم لا تقام الحدود في المساجد ولا يقاد بالولد الوالد *(الترمذي والدارمي)

1159. The verse is the following: We have ordained for them therein that life is for life, eye for an eye etc.—5:46Q.

1160. It means that there is everything in the Quran, but understanding of the Quran is given to few who are truly learned in religion. Majority of the companions, their successors, and the three Imams—Malek, Shafeyi and Ahmad—hold that no Muslim can lawfully be killed for a polytheist whether he be under protection of Muslims or at war. But Imam Abu Hanifa and his followers hold the contrary.

16. Amr-b-Shuaib from his father from his grand-father from Soraqa-b-Malek reported: I was present before the Messenger of Allah while he was giving blood-price to a father from his son, but no son was given such price from his father. 1161 —*Tirmizi (Weak).*

عن عمرو بن شعيب عن ابيه عن جده عن سراقة بن مالك قال حضرت رسول الله صلعم يقيد الاب من ابنه ولا يقيد الابن من ابيه . (الترمذي ضعيف)

17. Hasan from Samorah reported that the Messenger of Allah said: Whoso kills his slave, him we will kill; and whoso cuts of the nose of a slave, his nose we will cut off. 1162 —*Tirmizi, Abu Daud. Ibn Majah.*

عن الحسن عن سمرة قال قال رسول الله صلعم من قتل عبده قتلناه و من جدع عبده جدعناه * (الترمذي و ابوداود) (وابن ماجة)

18. Amr-b-Shuaib from his father from his grand-father reported that the Messenger of Allah said: Whoso kills intentionally shall be handed over to the relations of the killed. If they like, they may kill; and if they like, they may take blood-wit; and that is 30 she-camels of 4 years old, 30 she-camels of 5 years old, 40

عن عمرو بن شعيب عن ابيه عن جده ان رسول الله صلعم قال من قتل متعمدا دفع الى اولياء المقتول فان شاءوا قتلوا و ان شاءوا اخذوا الدية و هي ثلثون حقة و ثلثون جذعة و اربعون

The Shias hold from this tradition that the Holy Prophet gave secret knowledge to Hazrat Ali and secret understanding of the verses of the Holy Quran.

1161. With regard to the first portion, there is consensus of opinion among the jurists, but they differ with regard to the second. It is, however, agreed that if a son kills a father, he should be killed in exchange. Imams Shafeyi, Abu Hanifa and Ahmad hold on the basis of this tradition that a father cannot be killed in exchange of a son. Imam Malek holds the contrary with certain modification. This rule also holds good in case of mother, grand-mother, father and grand-father.

1162. Three Imams except Abu Hanifa hold that a free man shall not be killed in exchange of a slave, but Imam Abu Hanifa holds the contrary.

pregnant she-camels ; and there is for them what they compromise upon. —*Tirmizi.*

خلفة وما صالحوا عليه فهو لهم .

(الترمذي)

345w. Abu Shuraih-al-Khuzayi reported : I heard the Messenger of Allah say : Whoso meets with murder or Khabl (and Khabl is wound), he has got option of either of three things ; if he wants a fourth thing, catch hold of his hands. (They are) either to take retaliation, or to pardon, or to take blood-wit. If he accepts anything from that, and then makes (further) demand after that, he has got the fire for him, residing therein and being accommodated therein forever. —*Darimi.*

عن أبي شريح الخزاعي قال سمعت رسول الله صلعم يقول من أصيب بدم أو خبل والخبل الجرح فهو بالخيار بين إحدى ثلث فإن أراد الرابعة فخذوا على يديه بين أن يقتص أو يعفوا أو يأخذ العقل فإن أخذ من ذلك شيئا ثم عاد بعد ذلك فله النار خالدا فيها مخلدا أبدا * (الدارمي)

346w. Ibn Omar reported from the Prophet who said : When a man keeps hold of a man and another kills him, the man who has killed will be killed, and the man who has caught will be imprisoned. —*Darqutni.*

عن ابن عمر عن النبي صلعم قال إذا أمسك الرجل الرجل وقتله الآخر يقتل الذي قتل ويحبس الذي أمسك .

(الدارقطني)

19. Sayeed-b-al-Musayyeb reported that Omar-b-al Khattab killed a party of men, 5 or 7, in exchange of one man. They killed him a killing from ambush. Omar said : Had the people of Sana'a would have helped it (murder), I would have killed them all. —*Malek, Bukhari from Ibn Omar.*

عن سعيد بن المسيب أن عمر بن الخطاب قتل نفرا خمسة أو سبعة برجل واحد قتلوه قتل غيلة وقال عمر لو تمالأ عليه أهل صنعاء لقتلتهم جميعا *

(مالك والبخاري عن ابن عمر)

SECTION 4

1163. Blood-wit

It has already been stated that blood-wit as a good substitute for capital sentence has been prescribed. The Holy Quran has not prescribed any fixed standard of blood-money. It is to be paid according to usage and circumstances of each case and pecuniary condition of the heirs of the murdered person. Diyyat (blood-wit) is of two kinds—*Mugallazah* and *Mukhaffalah*. According to the first kind, the diyyat is 100 camels of various ages. This is according to Imam Abu Hanifa and Abu Yusuf. The second kind prescribes 1000 dinars (nearly Rs. 1750), or 100,00 dirhams (Rs. 2500) as indemnity. Now-a-days, the value of money has been greatly increased. Hence the heirs of a murdered person should get, if Islamic law is followed, not less than Rs. 10,000 which is a good substitute for capital sentence. The compensation for minor crimes short of death has been prescribed in tradition 25:25.

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20. **Ibn Abbas** reported that the Messenger of Allah said: This and this, that is little and thumb fingers, are equal.[1164] —*Bukhari*.

عَنْ اِبْنِ عَبَّاسٍ عَنِ النَّبِيِّ صلعم قَالَ هٰذِهِ وَهٰذِهِ سَوَاءٌ يَعْنِي الْخِنْصَرَ وَالْاِبْهَامَ * (اَلْبُخَارِي)

21. **Abu Hurairah** reported that the Messenger of Allah gave decision about a child in the womb of a woman of Banu Lihyan which fell down dead with the blood-wit of a slave or a slave-girl. Afterwards the woman against whom the decree was passed for blood wit died. The Holy Prophet decided that her heritage will devolve on her

عَنْ اَبِيْ هُرَيْرَةَ قَالَ قَضٰى رَسُوْلُ اللّٰهِ صلعم فِيْ جَنِيْنِ اِمْرَأَةٍ مِنْ بَنِيْ لِحْيَانَ سَقَطَ مَيِّتًا بِغُرَّةٍ عَبْدٍ اَوْ اَمَةٍ ثُمَّ اِنَّ الْمَرْاَةَ الَّتِيْ قَضٰى عَلَيْهَا بِالْغُرَّةِ تُوُفِّيَتْ فَقَضٰى رَسُوْلُ اللّٰهِ صلعم بِاَنَّ مِيْرَاثَهَا

1164. The price of each finger or toe was fixed at $\frac{1}{20}$th of the blood-price, that is 10 camels or 1000 dirhams nearly.

children and husband, and the blood-money upon her paternal relations.[1165] —*Agreed.*

لبنيها وزوجها والعقل على عصبتها * (متفق عليه)

22. Same reported: Two women of Huzail fought with each other. One of them threw a stone against the other and killed her and what was within her belly. The Holy Prophet gave decision that the blood-wit of the unborn child is the blood-wit of a slave or a slave-girl, and he gave decision for blood-price of the woman upon her murderer and made it (blood-price) a heritage to her children and those with them. —*Agreed.*

عنه قال اقتتلت امرأتان من هذيل فرمت إحداهما الأخرى بحجر فقتلتها وما في بطنها فقضى رسول الله صلعم أن دية جنينها غرة عبد أو وليدة وقضى بدية المرأة على عاقلتها وورثها ولدها ومن معهم * (متفق عليه)

23. Mugirah-b-Shu'bah reported that two women were quarreling with each other. One of them threw a stone or the stick of a tent against another and thus caused miscarriage of her child in womb. Then the Messenger of Allah gave decision for the blood-wit of a slave or a slave girl for the child, and fixed it upon the paternal relations of the woman. *This is the narration of Tirmizi, and in a narration of Muslim:* He said that a woman assaulted her companion

عن المغيرة بن شعبة أن امرأتين كانتا ضرتين فرمت إحداهما الأخرى بحجر أو عمود فسطاط فألقت جنينها فقضى رسول الله صلعم في الجنين غرة عبدا أو أمة وجعله على عصبة المرأة هذه رواية الترمذي وفي رواية مسلم قال ضربت امرأة ضرتها

1165. Gurrah is equivalent to $\frac{1}{20}$th of the blood price or 500 dirhams. What happened in this case was that two women quarrelled with each other and threw stones. As a result, the pregnant woman suffered abortion. The compensation fixed by the Prophet on the guilty woman was 500 dirhams or Rs. 125 nearly. This devolved on her paternal relations after the death of the guilty woman.

with a stick of tent while she was pregnant and thus killed her. He narrated: One of them belonged to Banu Lihyan. Then the Holy Prophet fixed the blood-price of the murdered woman over the paternal relations of the woman who killed, and 500 dirhams for what was in her womb.

بِعَمُوْدِ فُسْطَاطٍ وَهِيَ حُبْلَى فَقَتَلَتْهَا قَالَ وَاِحْدَاهُمَا لِحْيَانِيَّةٌ قَالَ فَجَعَلَ رَسُوْلُ اللّٰهِ صلعم دِيَةَ الْمَقْتُوْلَةِ عَلَى عَصَبَةِ الْقَاتِلَةِ وَغُرَّةً لِمَا فِيْ بَطْنِهَا *

24. **Abdullah-b-Amr** reported that the Messenger of Allah said: Behold! verily the blood price of (murder by) mistake is similar to intentional murder, whether it is by whipping or stick—100 camels, 40 of them with young ones in their bellies. —*Nisai, Ibn Majah.*

عَنْ عَبْدِ اللّٰهِ ابْنِ عَمْرٍو اَنَّ رَسُوْلَ اللّٰهِ صلعم قَالَ اَلَا اِنَّ دِيَةَ الْخَطَاءِ شِبْهِ الْعَمْدِ مَا كَانَ بِالسَّوْطِ وَالْعَصَا مِائَةٌ مِنَ الْاِبِلِ مِنْهَا اَرْبَعُوْنَ فِيْ بُطُوْنِهَا اَوْلَادُهَا ـ
(اَلنَّسَائِيُّ وَابْنُ مَاجَةَ)

25. **Abu Bakr** reported that the Messenger of Allah wrote to the inhabitants of Yemen, and there was in his letter: Whoso kills a believer unjustly will meet destruction by his hand unless the relatives of the murdered man consent (for blood-price). And therein it was: A man shall be killed for (the murder of) a woman. And therein it was: For the (murder of) a soul, there is indemnity of 100 camels, and 1000 dinars upon the owners of gold; and for a nose which has been cut off from the root, its indemnity is 100 camels, and there is indemnity of murder in case of two teeth, there is indemnity of

عَنْ اَبِيْ بَكْرٍ اَنَّ رَسُوْلَ اللّٰهِ صلعم كَتَبَ اِلَى اَهْلِ الْيَمَنِ وَكَانَ فِيْ كِتَابِهِ اَنَّ مَنِ اعْتَبَطَ مُؤْمِنًا قَتْلًا فَاِنَّهُ قَوَدُ يَدِهِ اِلَّا اَنْ يَرْضَى اَوْلِيَاءُ الْمَقْتُوْلِ وَفِيْهِ اَنَّ الرَّجُلَ يُقْتَلُ بِالْمَرْاَةِ وَفِيْهِ فِي النَّفْسِ الدِّيَةُ مِائَةٌ مِنَ الْاِبِلِ وَعَلَى اَهْلِ الذَّهَبِ اَلْفُ دِيْنَارٍ وَفِي الْاَنْفِ اِذَا اُوْعِبَ جَدْعُهُ الدِّيَةُ مِائَةٌ مِنَ الْاِبِلِ وَفِي الْاَسْنَانِ

murder in case of two lips, there is indemnity of murder in case of castration of two balls, there is indemnity of murder in case of the backbone, there is indemnity of murder in case of two eyes, there is half of the indemnity of murder in case of one leg, there is ⅓rd of this indemnity in case of the skin of head, there is one-third of the indemnity in case of wound in the belly. In case of the fracture of a bone, there is indemnity of 15 camels, in case of a finger out of the fingers of hand and leg there are 10 camels, and in case of a tooth, there are 5 camels. —*Nisai, Darimi.*

الدِّيَةُ وَفِي الشَّفَتَيْنِ الدِّيَةُ وَفِي الْبَيْضَتَيْنِ الدِّيَةُ وَفِي الصُّلْبِ الدِّيَةُ وَفِي الْعَيْنَيْنِ الدِّيَةُ وَفِي الرِّجْلِ الْوَاحِدَةِ نِصْفُ الدِّيَةِ وَفِي الْمَأْمُومَةِ ثُلُثُ الدِّيَةِ وَفِي الْجَائِفَةِ ثُلُثُ الدِّيَةِ وَفِي الْمُنَقِّلَةِ خَمْسَ عَشْرَةَ مِنَ الْإِبِلِ وَفِي كُلِّ إِصْبَعٍ مِنْ أَصَابِعِ الْيَدِ وَالرِّجْلِ عَشْرٌ مِنَ الْإِبِلِ وَفِي السِّنِّ خَمْسٌ مِنَ الْإِبِلِ ـ (النَّسَائِيُّ وَالدَّارِمِيُّ)

26. **Amr-b-Shuaib** reported from his father from his grand father that the Messenger of Allah gave decision for wounds—five camels for each, and for teeth—5 camels for each. —*Abu Daud, Nisai, Darimi.*

عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ قَضَى رَسُولُ اللهِ صلعم فِي الْمَوَاضِحِ خَمْسًا خَمْسًا مِنَ الْإِبِلِ وَفِي الْأَسْنَانِ خَمْسًا خَمْسًا مِنَ الْإِبِلِ ـ (أَبُودَاوُدَ وَالنَّسَائِيُّ وَالدَّارِمِيُّ)

27. **Ibn Abbas** reported that the Messenger of Allah made the fingers of the two hands and (toes of the) two legs the same. —*Abu Daud, Tirmizi.*

عَنِ ابْنِ عَبَّاسٍ قَالَ جَعَلَ رَسُولُ اللهِ صلعم أَصَابِعَ الْيَدَيْنِ وَالرِّجْلَيْنِ سَوَاءً ـ (أَبُودَاوُدَ وَالتِّرْمِذِيُّ)

28. **Same** reported that the Messenger of Allah said : Fingers are equal, teeth are equal, the fore-teeth and attacking teeth are equal, and this and this are equal. —*Abu Daud.*

عَنْهُ قَالَ قَالَ رَسُولُ اللهِ صلعم الْأَصَابِعُ سَوَاءٌ وَالْأَسْنَانُ سَوَاءٌ الثَّنِيَّةُ وَالضِّرْسُ سَوَاءٌ هٰذِهِ وَهٰذِهِ سَوَاءٌ ـ (أَبُودَاوُدَ)

29. **Amr-b-Shuaib** reported from his father from his grandfather that the Messenger of Allah delivered a sermon in the year of Victory. Next he said: O men! there is no covenant in Islam, and whatever covenant existed in the Days of Ignorance, Islam does not help but to bind it more. The believers are one hand against others; the nearest of them take refuge with them, and the farthest of them return to them; their infantry return to those who are sitting. No believer shall be killed in exchange of an unbeliever. The blood-wit of an unbeliever is half of that of a Muslim. There is no Jalab and no Janab and their Zakat will not be levied except before their houses. In a narration, he said: The blood-price of a covenanted non-Muslim is half of that of a free man. 1165 —*Abu Daud.*

عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ اَبِيْهِ عَنْ جَدِّهٖ قَالَ خَطَبَ رَسُوْلُ اللّٰهِ صلعم عَامَ الْفَتْحِ ثُمَّ قَالَ اَيُّهَا النَّاسُ اِنَّهٗ لَا حِلْفَ فِي الْاِسْلَامِ وَمَا كَانَ مِنْ حِلْفٍ فِي الْجَاهِلِيَّةِ فَاِنَّ الْاِسْلَامَ لَا يَزِيْدُهٗ اِلَّا شِدَّةً اَلْمُؤْمِنُوْنَ يَدٌ عَلٰى مَنْ سِوَاهُمْ يُجِيْرُ عَلَيْهِمْ اَدْنَاهُمْ وَيَرُدُّ عَلَيْهِمْ اَقْصَاهُمْ وَيَرُدُّ سَرَايَاهُمْ عَلٰى قَعِيْدَتِهِمْ لَا يُقْتَلُ مُؤْمِنٌ بِكَافِرٍ دِيَةُ الْكَافِرِ نِصْفُ دِيَةِ الْمُسْلِمِ لَا جَلَبَ وَلَا جَنَبَ وَلَا يُؤْخَذُ صَدَقَاتُهُمْ اِلَّا فِيْ دُوْرِهِمْ وَفِيْ رِوَايَةٍ قَالَ دِيَةُ الْمُعَاهِدِ نِصْفُ دِيَةِ الْحُرِّ (اَبُوْدَاوُدَ)

30. **Kheshf-b-Malik** reported from Ibn Mas'ud that the Holy Prophet gave decision about blood-price of murder by mistake: 20 she-camels of 2 years

عَنْ خِشْفِ بْنِ مَالِكٍ عَنِ ابْنِ مَسْعُوْدٍ قَالَ قَضٰى رَسُوْلُ اللّٰهِ صلعم فِيْ دِيَةِ الْخَطَاءِ عِشْرِيْنَ بِنْتَ مَخَاضٍ وَعِشْرِيْنَ

1166. Pre-Islamic Arabs used to enter into covenants with one another that one would inherit another, that they would fight with a certain tribe and would take responsibility of murder upon themselves. The Holy Prophet prohibited this. Imam Malek follows this hadis about blood price. Imam Abu Hanifa makes no distinction betwen a Muslim and a polytheist so far as murder indemnity is concerned.

old, 20 male camels of 2 years old, 20 she-camels of 3 years old, and 20 she-camels of 5 years old, and 20 she-camels of 4 years old. —*Tirmizi, Abu Daud, Nisai.*

بن مخاض ذكور وعشرين بنت لبون
وعشرين جذعة وعشرين حقة ۔
(الترمذي وابوداود والنسائي)

31. Amr-b-Shuaib reported from his father from his grandfather that the value of blood-wit at the time of the Ms. of Allah was 800 dinars and 8000 dirhams, and of blood-wit of the people of the Book at that time was half of the blood-price of the Muslims. He said that it continued thus until Omar became Caliph. He delivered a sermon and said: Verily the camels have become dear. Then Omar made it binding upon the owners of gold—1000 dinars, and upon the owners of silver of cattle—200 cows, and upon the owners of goat—2000 goats and upon the owners of clothes—200 clothes. He left the blood-price of the protected non-Muslims (as it was). He did not increase it with regard to which he increased blood-wit. —*Abu Daud.*

عن عمرو بن شعيب عن ابيه عن
جده قال كانت قيمة الدية على عهد
رسول الله صلعم ثمان مائة دينار او
ثمانية الاف درهم ودية اهل الكتاب
يومئذ النصف من دية المسلمين قال
فكان كذلك حتى استخلف عمر فقام
خطيبا فقال ان الابل قد غلت ففرضها
عمر على اهل الذهب الف دينار وعلى
اهل الورق اثنا عشر الفا وعلى اهل
البقر مائتي بقرة وعلى اهل الشاء
الفي شاة وعلى اهل الحلل مائتي
حلة وترك دية اهل الذمة لم
يرفعها فيما رفع من الدية ۔ (ابوداود)

32. Ibn Abbas reported from the Prophet that he fixed blood-price at 12000 dirhams. —*Tirmizi, Abu Daud, Nisai.*

عن ابن عباس عن النبي صلعم انه
جعل الدية اثني عشر الفا *
(الترمذي وابوداود والنسائي)

1167. Jalab and Janab are used in Zakat collection. In the first, collector of taxes takes the payer to a certain place for payment, and in the latter, the payer takes the collector to a certain place for payment.

33. Amr-b-Shuaib reported from his father from his grand-father that the Holy Prophet fixed the blood-price of (murder by) mistake—400 dinars for the villagers or its equivalent of silver, and fixed it according to the prices of camels. When they became dear, he raised their price; and when they were cheap, he decreased their price. It reached the time of the Ms. of Allah—what is between 400 dinars and 800 dinars or its equivalent in silver (8000 dirhams). He said: The Holy Prophet gave decision—200 cows upon those who possess cows, 2000 goats upon those who possess goats. The Ms. of Allah said: Verily blood-price can be inherited by heirs of the murdered man. The Prophet gave decision that the blood-price of a woman devolves upon her paternal relations. No murderer shall inherit anything. —*Abu Daud, Nisai.*

عن عمرو بن شعيب عن ابيه عن جده قال كان رسول الله صلعم يقوم دية الخطاء على اهل القرى اربعمائة دينار او عدلها من الورق و يقومها على اثمان الابل فاذا غلت رفع في قيمتها و اذا هاجت رخص نقص من قيمتها و بلغت على عهد رسول الله صلعم ما بين اربعمائة دينار الى ثمان مائة دينار و عدلها من الورق ثمانية الاف درهم قال و قضى رسول الله صلعم على اهل البقر مائتي بقرة و على اهل الشاء الفي شاة و قال رسول الله صلعم ان العقل ميراث بين ورثة القتيل و قضى رسول الله صلعم ان عقل المراة بين عصبتها ولا يرث القاتل شيئا * (ابوداود و النسائي)

34. Same reported from his father from his grand-father that the Messenger of Allah said: Blood-price of doubtful intention is strict like the blood-price of intentional murder, but the murderer shall not be murdered. —*Abu Daud.*

عنه عن ابيه عن جده ان النبي صلعم قال عقل شبه العمد مغلظ مثل عقل العمد ولا يقتل صاحبه * (ابوداود)

35. Same reported from his father from his grand-father

عنه عن ابيه عن جده قال قضى

that the Holy Prophet gave decision about the eye remaining without light in its own place —⅓of blood-price.

—*Abu Daud, Nisai.*

رَسُولُ اللهِ صلعم فِي الْعَيْنِ الْقَائِمَةِ السَّادَّةِ لِمَكَانِهَا بِثُلُثِ الدِّيَةِ *

(ابوداود والنسائي)

36. Muhammad-b-Amr from Abu Salamah from Abu Hurairah reported: The Ms. of Allah gave decision about a child in womb by setting free of a slave, or a slave girl, or by one horse, or one mule.

—*Abu Daud.*

عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ أَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ قَضَى رَسُولُ اللهِ صلعم فِي الْجَنِينِ بِغُرَّةٍ عَبْدٍ أَوْ أَمَةٍ أَوْ فَرَسٍ أَوْ بَغْلٍ - (ابوداود)

37. Amr-b-Shuaib reported from his father from his grandfather that the Ms. of Allah said: Whoso medically treats, while medicine is not known to him, is a security (for patient).

—*Abu Daud, Nisai.*

عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ رَسُولَ اللهِ صلعم قَالَ مَنْ تَطَبَّبَ وَلَمْ يُعْلَمْ مِنْهُ طِبٌّ فَهُوَ ضَامِنٌ -

(ابوداود والنسائي)

38. Imran-b-Hussain reported that a slave of a poor people cut off the ears of a slave of a rich people. His family came to the Messenger of Allah and said: Verily we are poor people. Then he did not fix anything upon them. —*Abu Daud, Nisai.*

عَنْ عِمْرَانَ بْنِ حُصَيْنٍ أَنَّ غُلَامًا لِأُنَاسٍ فُقَرَاءَ قَطَعَ أُذُنَ غُلَامٍ لِأُنَاسٍ أَغْنِيَاءَ فَأَتَى أَهْلُهُ النَّبِيَّ صلعم فَقَالُوا إِنَّا أُنَاسٌ فُقَرَاءُ فَلَمْ يَجْعَلْ عَلَيْهِمْ شَيْئًا -

(ابوداود والنسائي)

39. Ali reported that he said that the blood-price of doubtful intention is of three kinds (of camels)—33 she-camels of 4 years old, 33 she-camels of 5 years old, 34 she-camels of 6th to the 9th year. All of them must be pregnant.

—*Mishkat.*

عَنْ عَلِيٍّ أَنَّهُ قَالَ دِيَةُ شِبْهِ الْعَمْدِ أَثْلَاثًا ثَلَاثٌ وَثَلَاثُونَ حِقَّةً وَثَلَاثٌ وَثَلَاثُونَ جَذَعَةً وَأَرْبَعٌ وَثَلَاثُونَ ثَنِيَّةً إِلَى بَازِلِ عَامِهَا كُلُّهَا خَلِفَاتٌ - (المشكوة)

40. **Muzahed** reported that Omar gave decision in a murder of doubtful intention—30 she-camels of 4 years old, 30 she-camels of 5 years old, and 40 pregnant she-camels of what is between 6th to the 9th year.

—*Abu Daud.*

عَنْ مُجَاهِدٍ قَالَ قَضَى عُمَرُ فِي شِبْهِ الْعَمَدِ ثَلاَثِيْنَ حِقَّةً وَثَلاَثِيْنَ جَذَعَةً وَاَرْبَعِيْنَ خَلِفَةً مَا بَيْنَ ثَنِيَّةٍ اِلَى بَازِلِ عَامِهَا ۔

(ابو داود)

41. **Syeed-b-Musayyeb** reported that the Messenger of Allah gave decision about a child in womb which had been killed in its mother's uterus—to set free of a slave or a slave-girl. He against whom the decree was passed asked: How shall I compensate for one who has neither taken drink, nor eaten, nor uttered a word, nor taken breath, nor done anything like that? The Ms. of Allah said: Verily he comes from the brethren of the sooth-sayers.

—*Malek, Nisai, (Defective).*

عَنْ سَعِيْدِ بْنِ الْمُسَيَّبِ اَنَّ رَسُوْلَ اللهِ صلعم قَضَى فِي الْجَنِيْنِ يُقْتَلُ فِي بَطْنِ اُمِّهِ بِغُرَّةٍ عَبْدٍ اَوْ وَلِيْدَةٍ فَقَالَ الَّذِي قُضِيَ عَلَيْهِ كَيْفَ اَغْرَمُ مَنْ لاَ شَرِبَ وَلاَ اَكَلَ وَلاَ نَطَقَ وَلاَ اسْتَهَلَّ وَمِثْلُ ذَالِكَ يُطَلُّ فَقَالَ رَسُوْلُ اللهِ صلعم اِنَّمَا هٰذَا مِنْ اِخْوَانِ الْكُهَّانِ ۔

(مَالِكٌ وَالنَّسَائِيُّ مُرْسَلاً)

42. **Taus from Ibn Abbas** re-reported that the Messenger of Allah said: Whoso is killed through mistake by stone-throwing which occurred among them, or by whipping with hunter or beating with stick, and that is through mistake—its ransom is the ransom of mistake; and whoso is killed deliberately, there is retaliation for him; and whoso intervenes to protect him, on him is the curse of

عَنْ طَاؤُسٍ عَنِ ابْنِ عَبَّاسٍ عَنْ رَسُوْلِ اللهِ صلعم قَالَ مَنْ قُتِلَ فِي عِمِّيَّةٍ فِي رَمْيٍ يَكُوْنُ بَيْنَهُمْ بِالْحِجَارَةِ اَوْ جَلْدٍ بِالسِّيَاطِ اَوْ ضَرْبٍ بِعَصًا فَهُوَ خَطَاءٌ وَعَقْلُهُ عَقْلُ الْخَطَاءِ وَمَنْ قَتَلَ عَمَدًا فَهُوَ قَوَدٌ وَمَنْ حَالَ دُوْنَهُ فَعَلَيْهِ لَعْنَتُ اللهِ وَ

Allah and His wrath. Nothing, compulsory or optional, will be accepted from him.
—*Abu Daud, Nisai.*

غضبه لا يقبل منه صرف ولا عدل ۔
(ابوداود والنسائي)

SECTION 5

1168. Sin of Murder

Besides the sentence of death or of payment of the blood-money, there is still a great punishment reserved for a murderer to be meted out on the Resurrection Day. The Quran says: He who does this (murder) will find a requital of sin, the punishment shall be doubled for him on the Resurrection Day, and he shall abide therein in abasement—25:68, 69. To murder a man unjustly is a great sin. The Quran repeatedly prohibited it. It says: And do not kill a soul which Allah has forbidden except for a just cause—17:33Q; 6:152Q. In order to magnify the sin of murder, the Quran says: For this reason, We prescribed to the children of Israil that whoso murdered a soul, it is as though he murdered all men; and whoso kept it alive, it is as though he kept alive all men—5:32Q. The gravity of the sin of culpable homicide can easily he guessed from the above verses. The Holy Prophet said: Had the inmates of heaven and earth shared in the murder of a believer, Allah would have thrown them all unto the fire—25:52. The Quran supports this sense. It says: And whoever kills a believer intentionally, his punishment is hell; he shall abide in it, and Allah will send His wrath on him and curse him and prepare for him a painful punishment—4:93Q. From these verses as well as from the traditions under this section, it can be easily imagined that Islam holds out murder as the greatest crime known to human society. Consequently every Muslim should take special attention to keep sanctity of the person and property of his fellow-beings.

Exceptions: In the following cases, however, the murder is lawful and no sin is attached to such act:—

(1) Murder of a person who killed another person without any just cause.

(2) Murder of a rebel or a rebellious dacoit.

(3) Murder of a married person who committed adultery with a woman, or of a married woman with a man. [1]

Contents. Provision is stopped for murder—25:7; sword to be sheathed against one who utters the formula of faith in battle-field —25:8, 9; exerything is in the Quran—25:14; abettor to murder is to be imprisoned—25:346w.

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43. **Abu Sayeed** and Abu Hurairah reported from the Messenger of Allah who said: If all the inhabitants of heaven and earth take part in the murder of a believer, Allah will throw them all unto the fire. —*Tirmizi (Rare).*

عن ابي سعيد وابي هريرة عن رسول الله صلعم قال لو ان اهل السماء والارض اشتركوا في دم مؤمن لاكبهم الله في النار *(الترمذي غريب)

44. **Ibn Abbas** reported from the Holy Prophet: The murdered man will come with the murderer on the Resurrection Day, his forelock and his head will be in his hand and his veins will ooze out blood. He will say "O Lord, he killed me", till he will come near the Throne. [1169] —*Tirmizi, Nisai, Ibn Majah.*

عن ابن عباس عن النبي صلعم قال يجيء المقتول بالقاتل يوم القيمة ناصيته وراسه بيده واوداجه تشخب دما يقول يا رب قتلني حتى يدنيه من العرش *

(الترمذي والنسائي وابن ماجة)

45. **Abu Omamah** reported that Osman-b-Affan ascended on a high place on the Day of the Door [1170] and said: I

عن ابي امامة ان عثمان بن عفان اشرف يوم الدار فقال انشدكم بالله

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1. There is difference of opinion whether a father should be killed for the murder of his son and whether a Muslim should be killed for the murder of a non-Muslim.

1169. The meaning is that full dues will be taken by the murdered person from the murderer on the Resurrection Day.

1170. This was at the time when the rebels surrounded the house of Hazrat Osman

recite to you in the name of Allah. Don't you know that the Messenger of Allah said: It is not lawful to take blood of a Muslim except for either of three things[1171]; fornication after marriage, or infidelity after Islam, or murder of a person without right and he is to be killed in his place. By Allah I have not committed fornication either in the Days of Ignorance or in Islam, nor have I turned a retrograde since I took allegiance to the Ms. of Allah, nor have I killed any person whom Allah has made unlawful. So on what account will you put me to death?

—*Tirmizi, Nisai, Ibn Majah.*

اتعلمون ان رسول الله صلعم قال لا يحل دم امرىء مسلم الا باحدى ثلاث زنى بعد احصان او كفر بعد اسلام او قتل نفس بغير حق نقتل به فوالله ما زنيت في جاهلية ولا اسلام ولا ارتددت منذ بايعت رسول الله صلعم ولا قتلت النفس التي حرم الله فبم تقتلونني *

(الترمذي والنسائي وابن ماجة)

46. **Abu Darda'a** reported that the Messenger of Allah said: A believer continually hastens to good deeds, so long as he does not shed unlawful blood. When he sheds unlawful blood, he halts. —*Abu Daud.*

عن ابي الدرداء قال قال رسول الله صلعم قال لا يزال المؤمن معنقا صالحا ما لم يصب دما حراما فاذا اصاب دما حراما بلح * (ابو داود)

47. **Same** reported that the Messenger of Allah said:

عنه عن رسول الله صلعم قال كل

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to kill him, and inspite of this protest they killed the great Caliph while he was reading the Holy Quran.

1171. Apostacy from Islam merely by itself does not call for capital punishment as it is opposed to the Quranic rule "There is no compulsion in religion"—2:256Q. It therefore applies to an apostate who either joins the enemies' camp, or creates disturbance in the land or fights against Muslims. This interpretation is made clear in hadis no 25:79 where the third man fit to be murdered is said to be at war with Allah and His Prophet.

Perchance Allah will forgive every sin except (the sin of) one who dies a polytheist, or one who kills a believer deliberately.[1172]

—*Abu Daud, Nisai from Muawayiah.*

ذنب عسى الله أن يغفره إلا من مات مشركا أو من يقتل مؤمنا متعمدا *

(أبوداود والنسائي عن معاوية)

48. Abu Ramsah reported: I came to the Messenger of Allah with my father. He asked: Who is he with you? He said: My son; recite the formula of faith for him. He said: Behold! he can not commit sin against you, nor you against him.[1173] *Abu Daud and Nisai narrated it. In Sharhi Sunnat, he added in its first portion*: He said: I came to the Messenger of Allah with my father. He saw my father behind the Ms. of Allah. He asked: Leave me to treat one medically who is behind you, because I am a physician. He said: You are a companion, Allah is the Physician.

عن أبي رمثة قال أتيت رسول الله صلعم مع أبي فقال من هذا الذي معك قال ابني اشهد به قال أما إنه لا يجني عليك ولا تجني عليه رواه أبوداود والنسائي وزاد في شرح السنة في أوله قال دخلت مع أبي على رسول الله صلعم فرأى أبي الذي بظهر رسول الله صلعم فقال دعني أعالج الذي بظهرك فإني طبيب فقال أنت رفيق والله الطبيب *

49. Jaber reported that the Messenger of Allah said: I

عن جابر قال قال رسول الله صلعم

1172. It appears apparently from this hadis that the sin of murder is never forgiven like polytheism. This is however contradictory to the Quranic verse: Verily Allah does not forgive that anything should be set up with Him, but He forgives what is besides that to whom He pleases (4:48Q). It has therefore been said by the theologians that it is mentioned here by way of extreme threat of murder.

1173. The father uttered "There is no god but Allah and Muhammad is His Prophet" and became a Muslim, while his son did not utter it. The Holy Prophet said that every body is responsibile for his own deeds. Islam therefore abolishes all distinctions between the laity and the clergy.

shall not forgive one who kills after taking the blood-money.

—*Abu Daud.*

لا اعفي من قتل بعد اخذ الدية *

(ابوداود)

50. **Abu Darda'a** reported: I heard the Messenger of Allah say: There is no man who is inflicted with anything in his physique and then forgives as an act of charity except that Allah raises him to a rank and shakes off a fault from him.

—*Tirmizi, Ibn Majah.*

عن ابي الدرداء قال سمعت رسول الله صلعم يقول ما من رجل يصاب بشيء في جسده فتصدق به الا رفعه الله به درجة وحط عنه خطيئة *

(الترمذي وابن ماجة)

51. **Jundub** reported: So and so narrated to me that the Messenger of Allah had said: The murdered man will come with his murderer on the Resurrection Day and say: Ask him for what he killed me? He will say: I killed him in the reign of so and so.[1174] Jundub said: Guard yourself against it. —*Nisai.*

عن جندب قال حدثني فلان ان رسول الله صلعم قال يجيء المقتول بقاتله يوم القيمة فيقول سل هذا فيما قتلني فيقول قتلته على ملك فلان قال جندب فاتقها ۔ (النسائي)

52. **Abu Hurairah** reported that the Messenger of Allah said: Whoso abets in the murder of a believer with (even) half a word, will meet Allah with eyes written before them "Deprived of the mercy of Allah".[1175] —*Ibn Majah.*

عن ابي هريرة قال قال رسول الله صلعم من اعان على قتل مؤمن شطر كلمة لقي الله مكتوب بين عينيه آئس من رحمة الله * (ابن ماجة)

53. **Abu Bakrah** reported from the Messenger of Allah

عن ابي بكرة عن النبي صلعم

1174. It means that the then king either helped him in the murder or that it was done at his connivance or for his bad government.

1175. To be deprived of Allah's mercy amounts to a depriving of faith. The Quran says: None is disappointed of help from Allah except the unbelieving people (89:58Q).

who said: When two Muslims meet, one of them carrying arms against his brother, they are both near Hell-pit. when one of them kills his companion, both enter in it together.[1176] —*Agreed.*

قَالَ إِذَا الْتَقَى الْمُسْلِمَانِ حَمَلَ أَحَدُهُمْ عَلَى أَخِيهِ السِّلَاحَ فَهُمَا فِي جُرُفِ جَهَنَّمَ فَإِذَا قَتَلَ أَحَدُهُمَا صَاحِبَهُ دَخَلَاهَا جَمِيعًا * (مُتَّفَقٌ عَلَيْهِ)

54. **Abu Hurairah** reported that the Messenger of Allah said: Faith imprisons murder in ambush. No believer kills from ambush.[1177] —*Abu Daud.*

عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صلعم قَالَ الْإِيمَانُ قَيْدُ الْفَتْكِ لَا يَفْتِكُ مُؤْمِنٌ * (أَبُودَاوُد)

SECTION 6

1178. Suicide

The Holy Prophet said: Whoso kills himself with a thing will be punished on the Resurrection Day therewith—24:5. From this as well as from the traditions of this section, it appears that the sin of suicide is not less than that of murder. He will permanently reside in Hell, as he killed a soul which remembered Allah, or which, if alive, would have remembered Him. Suicide is the result of pangs and overwhelming anxieties which are in turn so many boons for leading a man to Paradise. (See note 67).

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55. **Abu Hurairah** reported that the Messenger of Allah said: Whoso hurls himself down from a mountain and thus kills himself will be in the fire hurling himself down

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم مَنْ تَرَدَّى مِنْ جَبَلٍ فَقَتَلَ نَفْسَهُ فَهُوَ فِي نَارِ جَهَنَّمَ يَتَرَدَّى فِيهَا خَالِدًا مُخَلَّدًا

1176. There is another portion of this tradition which has been narrated elsewhere.

1177. This means that Iman or faith prevents a believer from killing any person in ambush or treacherously. A true believer cannot perform such an act of secret murder.

therein, abiding therein and being accommodated therein for ever; whoso takes poison and thus kills himself, his poison will be in his hand; he will be tasting it in the fire, always abiding therein, and being accommodated therein forever; and whoso kills himself with gun, his gun will be in his hand; he will be shooting himself therewith against his belly inthe fire, abiding therein and being accommodated therein forever. —*Agreed.*

فيها ابدا ومن تحسى سما فقتل نفسه فسمه في يده يتحساه في نار جهنم خالدا مخلدا فيها ابدا ومن قتل نفسه بحديدة فحديدته في يده يتوجاء بها في بطنه في نار جهنم خالدا مخلدا فيها ابدا ـ (متفق عليه)

56. **Same** reported that the Messenger of Allah said: Whoso strangles his soul to death, will strangle it in the fire; and whoso shoots it, will shoot it in the fire. —*Bukhari.*

عنه قال قال رسول الله صلعم الذي يخنق نفسه يخنقها في النار والذي يطعنها يطعنها في النار ـ (البخاري)

57. **Jundub-b-Abdullah** reported that the Messenger of Allah said: There was a man among those who were before you who had an wound. It became unbearable. Then he took a knife and cut off his hand therewith. Whereupon blood began to ooze out, so much so that he died. The Almighty Allah said: My servant hastened himself to Me and so I made Paradise unlawful for him. —*Agreed.*

عن جندب بن عبد الله قال قال رسول الله صلعم كان فيمن كان قبلكم رجل به جرح فجزع فاخذ سكينا فحزبها يده فما رقا الدم حتى مات قال الله تعالى بادرني عبدي بنفسه فحرمت عليه الجنة * (متفق عليه)

58. **Jaber** reported that Tofail-b-Amer and al-Dausi migrated to the Messenger of Allah when he had migrated to Medina. A man

عن جابر ان طفيل ابن عامر والدوسي لما هاجر النبي صلعم الى

of his tribe also migrated with him. Then he fell ill and became exasperated. He took a scissor of his and cut off therewith his hand joints. His hands bled till he died. Tufail b-Amer saw him in his dream. He was handsome in appearance, but he found him with his hands covered: He asked him: What did your Lord do with you? He said: He has forgiven me owing to my migration to His Prophet. He asked: What is with me that I see you with your hands covered? He said: It was said to me: What you destroyed will not be cured for you. Tufail narrated it to the Ms. of Allah. Then the Ms. of Allah said: O Allah, forgive his two hands.

—*Muslim.*

المدينة هاجر إليه وهاجر معه رجل
من قومه فمرض فجزع فأخذ مشاقص له
فقطع بها براجمه فشخبت يداه حتى
مات فرآه الطفيل بن عامر في منامه
وهيئته حسنة ورآه مغطيا يديه فقال
له ما صنع بك ربك فقال غفر لي
بهجرتي إلى نبيه صلعم فقال ما لي
أراك مغطيا يديك قال قيل لي لن
نصلح منك ما أفسدت فقصها الطفيل
على رسول الله صلعم فقال رسول الله
صلعم اللهم وليديه فاغفر * (مسلم)

SECTION 7

1179. Things not liable for compensation

The following acts, though criminal in appearance, are not liable for fine or compensation.

1. Death, wound or damage caused by quadruped animals.
2. Death, wound or damage sustained while working in mines under a voluntary labour or in the construction of a well.
3. Death or wound caused by any person in defence of his life or property.
4. Damage or wound sustained while peeping through a window or screen without permission.

5. Death caused in defence of the religion of Islam, or for protection of a family.
6. Death or wound caused to a person who is guilty of constantly speaking ill of the Holy Prophet or casting blasphemous aspersions upon him.

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59. **Abu Hurairah** reported that the Messenger of Allah said: As for quadrupeds, their wound is exempted, mine is exempted and well is exempted.[1180] —*Agreed.*

عن ابي هريرة قال قال رسول الله صلعم العجماء جرحها جبار و المعدن جبار و البئر جبار * (متفق عليه)

60. **Ya'la-b-Omayya** reported: I fought along with the Messenger of Allah against the strong army (of Tabuk). I had a servant who fought with a man. One of them bit the hand of another with teeth. The man bitten took off his hand from the teeth. Then he grinded his teeth and they fell down. He went to the Prophet who let off his teeth unavenged, and said: Will he leave his hand unto your mouth to be grinded like coal? —*Agreed.*

عن يعلى بن امية قال غزوت مع رسول الله صلعم جيش العسرة و كان لي اجير فقاتل انسانا فعض احدهما يد الاخر فانتزع المعضوض يده من في العاض فاندر ثنيته فسقطت فانطلق الى النبي صلعم فاهدر ثنيته و قال ايدع يده في فيك تقضمها كالفحل * (متفق عليه)

61. **Abdullah-b-Amr** reported: I heard the Messenger of Allah say: Whoso is killed by a fall of his property is a martyr. —*Agreed.*

عن عبد الله بن عمرو قال سمعت رسول الله صلعم يقول من قتل دون ماله فهو شهيد * (متفق عليه)

62. **Abu Hurairah** reported that a man came and said: O

عن ابي هريرة قال جاء رجل فقال

1180. Death, wound or damage caused by the quadrupeds or for works in mines or by a fall in to a well are all exempted from punishment as these are accidents and not crimes.

Ms. of Allah, inform me about a man who comes wishing to take my property. He said: Don't give him your property. He enquired: Inform me in case he fights with me. He said: Fight with him. He enquired: Inform me in case he kills me. He said: Then you are a martyr. He asked: Inform me in case I kill him. He said: He is in the fire.[1191] —*Muslim.*

يَا رَسُوْلَ اللّٰهِ أَرَأَيْتَ إِنْ جَاءَ رَجُلٌ يُرِيْدُ أَخْذَ مَالِي قَالَ فَلَا تُعْطِهِ مَالَكَ قَالَ أَرَأَيْتَ إِنْ قَاتَلَنِي قَالَ قَاتِلْهُ قَالَ أَرَأَيْتَ إِنْ قَتَلَنِي قَالَ فَأَنْتَ شَهِيْدٌ قَالَ أَرَأَيْتَ إِنْ قَتَلْتُهُ قَالَ هُوَ فِي النَّارِ * (مسلم)

63. **Same** reported: He heard the Messenger of Allah say: If anybody peeps into your house while you have not given him permission and then you throw a stone at him and destroy his eye, there is no crime on you. —*Agreed.*

عَنْهُ أَنَّهُ سَمِعَ رَسُوْلَ اللّٰهِ صلعم يَقُوْلُ لَوِ اطَّلَعَ فِي بَيْتِكَ أَحَدٌ وَلَمْ تَأْذَنْ لَهُ فَخَذَفْتَهُ بِحَصَاةٍ فَفَقَأْتَ عَيْنَهُ مَا كَانَ عَلَيْكَ مِنْ جُنَاحٍ - (متفق عليه)

64. **Sahl-b-Sa'ad** reported that a man peeped through a hole in the door of the Messenger of Allah and there was an iron-comb with him to arrange his hair therewith. He said: Had I known that you were looking at me, I would have pierced it through your eye. Seeking permission is ordained on account of eye sight.[1182] —*Agreed.*

عَنْ سَهْلِ بْنِ سَعْدٍ أَنَّ رَجُلًا اطَّلَعَ فِي جُحْرٍ فِي بَابِ رَسُوْلِ اللّٰهِ صلعم مِدْرًى يَحُكُّ بِهِ رَأْسَهُ فَقَالَ لَوْ أَعْلَمُ أَنَّكَ تَنْظُرُنِي لَطَعَنْتُ بِهِ فِي عَيْنِكَ إِنَّمَا جُعِلَ الْاِسْتِئْذَانُ مِنْ أَجْلِ الْبَصَرِ * (متفق عليه)

65. **Abdullah-b-Mugaffal** reported that he saw a man

عَنْ عَبْدِ اللّٰهِ بْنِ مُغَفَّلٍ أَنَّهُ رَأَى

1191. Fight for self-defence or defence of property is lawful. The defender will not thus be responsible if he kills a man by way of defence.

1182. To look in without permission is equivalent to enter in without permission.

throwing stones. He said: Don't throw stone, because the Messenger of Allah prohibited from throwing stone and he said: No game can be hunted therewith, and no enemy can be attacked therewith but it breaks teeth and makes eyes blind. —*Agreed.*

رجلا يخذف فقال لا تخذف فان رسول الله صلعم نهى عن الخذف وقال انه لا يصاد به صيد ولا ينكأ به عدو ولكنها قد تكسر السن وتفقأ العين *

(متفق عليه)

66. **Abu Hurairah** reported that the Messenger of Allah said: Whoso fights, let him avoid the face; and verily Allah created Adam according to His image.[1183] —*Agreed.*

عن ابي هريرة قال قال رسول الله صلعم اذا قاتل احدكم فليجتنب الوجه فان الله خلق ادم على صورته *

(متفق عليه)

67. **Abu Zarr** reported that the Messenger of Allah said: Whoso removes a screen, then enters his sight into a house before he is given permission and sees the private parts of his wife commits an ordained crime. It is not lawful for him to come here. If he enters his sight, and a man comes to him and makes his eye blind, I shall not impute any guilt to him. And if a man passes by the door which has got no screen and which has not been shut up, and then he

عن ابي ذر قال قال رسول الله صلعم من كشف سترا فادخل بصره في البيت قبل ان يؤذن فرأى عورة اهله فقد اتى حدا لا يحل له ان يأتيه ولو انه حين ادخل بصره فاستقبله رجل ففقأ عينه ما عيرت عليه وان مر الرجل على باب لا ستر له غير

1183. Allah created Adam according to His image i.e. attributes. Therefore the Holy Prophet said: Imbue thyself with divine virtues. If a man can attain the divine virtues as far as they lie within the power of man, he can be said to have reached perfection in this stage of the world. There will come further stage of perfection in the world to come. Face is the best portion of a man; therefore it should not be destroyed or disfigured.

looks in, there is no guilt on him. Verily the guilt then is upon the members of the family.

—*Tirmizi (Rare).*

مغلق فنظر فلا خطيئة عليه انما الخطيئة
على اهل البيت * الترمذي (غريب)

68. **Hasan from Samorah** reported that the Messenger of Allah forbade the stoppage of tissues between two fingers.

—*Abu Daud.*

عن الحسن عن سمرة ان رسول الله
صلعم نهى ان يقد السير بين اصبعين *
(ابوداود)

69. **Sayeed-b-Zaid** reported that the Messenger of Allah said: Whoso is killed for his religion is a martyr; and whoso is killed in defence of his life is a martyr; whoso is killed by a fall under his property is a martyr; and whoso is killed in protection of his family is a martyr. —*Tirmizi, Abu Daud,* —*Nisai.*

عن سعيد بن زيد ان رسول الله
صلعم قال من قتل دون دينه فهو
شهيد و من قتل دون دمه فهو شهيد
و من قتل دون ماله فهو شهيد و من
قتل دون اهله فهو شهيد *
(الترمذي و ابوداود والنسائي)

70. **Ibn Omar** reported from the Messenger of Allah who said: There are seven doors for Hell. One door therefrom is for one who draws up sword against my followers (or he said—against the followers of Muhammad). —*Tirmizi (Rare).*

عن ابن عمر عن النبي صلعم
قال لجهنم سبعة ابواب باب منها لمن
سل السيف على امتي او قال على امة
محمد * الترمذي (غريب)

71. **Ali** reported that a Jewess used to backbite the Prophet and speak ill of him. Then a man strangled her to death till she died. The Holy Prophet cancelled her blood.[1184]

—*Abu Daud.*

عن علي ان يهودية كانت تشتم
النبي صلعم و تقع فيه فخنقها رجل
حتى ماتت فابطل النبي صلعم دمها *
(ابوداود)

1184. It means that the Prophet did not make the murderer liable for the murder of

SECTION 8

1185. Oaths for avoidance of the liability of murder

If a person claims a right of retaliation for a murder upon another, and the latter denies it, an oath must be administered to him on his denial. If he takes it, and the charge of murder is not established against him, he shall be declared innocent of the charge. If the murderer is not detected, then oath must be administered to the people to whom he belongs. In case of a denial of oath, a collective fine shall be imposed if the case be not established; because although a refusal to take an oath is a confession, yet it is attended with a degree of doubt.

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72. **Rafe-b Khadiz** and Sahal-b-Abi Hasmah reported that Abdullah-b-Sahl and Muhayyesah -b-Mas'ud came to Khaiber and attacked each other about date-trees. Abdullah-b-Sahl was then killed. Abdullah-b-Sahl, Huwayyesah and Muhisah, sons of Mas'ud, came to the Prophet and informed him about the fate of their companion. Abdur Rahman began and he was the youngest of the party. The Messenger of Allah said: Respect the age. Yahya-b-Sayeed said: The old man shall talk for me. So they talked. The Messenger of Allah said: Establish your murderer (or he said: your companion)

عن رافع بن خديج و سهل بن ابي
حثمة انهما حدثا ان عبد الله بن سهل
و محيصة بن مسعود اتيا خيبر فتفرقا
في النخل فقتل عبد الله بن سهل
فجاء عبد الرحمن بن سهل و حويصة
و محيصة ابناء مسعود الى النبي صلعم
فتكلموا في امر صاحبهم فبدا عبد الرحمن
و كان اصغر القوم فقال له النبي كبر
الكبر قال يحيى بن سعيد يعني ليلي الكلام
الاكبر فتكلموا فقال النبي صلعم استحقوا
قتيلكم او قال صاحبكم بايمان

the woman who used to speak ill of the Prophet. It is therefore lawful not to punish a man who habitually rebukes the Prophet.

with 50 oaths from you. They said: O Ms. of Allah, this is an affair which we have not seen. He said: The Jews should prove themselves innocent to you with 50 oaths from them. They said: They are an infidel people. Then the Messenger of Allah gave them ransom from his ownself. In a narration: You will take 50 oaths and become entitled to (ransom of your) murderer or of your companion. Then the Holy Prophet gave ransom of 100 camels from himself. —*Agreed.*

خمسين منكم فقالوا يا رسول الله امر لم نره قال فتبرئكم يهود في ايمان خمسين منهم قالوا يا رسول الله قوم كفار فوداهم رسول الله صلعم من قبله وفي رواية تحلفون خمسين يمينا وتستحقون قاتلكم او صاحبكم فواداه رسول الله صلعم من عنده بمائة ناقة * (متفق عليه)

73. **Rafe-b-Khadiz** reported that a man was found dead in the morning at Khaiber. His heirs went to the Holy Prophet and narrated it to him. He said: Have you got two witnesses who saw the murderer of your companion? They said: O Ms. of Allah, none among the Muslims were present there, and verily they were the Jews who are notorious for greater things than this. He said: Then choose 50 persons from among them and administer oath to them. They refused. Then the Messenger of Allah gave blood-price from himself. —*Abu Daud.*

عن رافع بن خديج قال اصبح رجل من الانصار مقتولا بخيبر فانطلق اولياؤه الى النبي صلعم فذكروا ذلك له فقال الكم شاهدان يشهدان على قاتل صاحبكم قالوا يا رسول الله لم يكن ثم احد من المسلمين وانما هم يهود وقد يجترؤن على اعظم من هذا قال فاختاروا منهم خمسين فاستحلفوهم فابوا فواداه رسول الله صلعم من عنده * (ابوداود)

SECTION 9

1186. **Murder of rebels and apostates.**

(a) **Who are rebels and apostates?** Rebles are those who bring disorder in a land by rising against the constituted authorities or established laws of the land. In Islamic Jurisprudence, such laws are the laws of Islam prevalent in a Muslim government. As Allah loves peace and sent His Apostle as the great harbinger of peace, He has strongly condemned rebellion, disorder and dissension in the society, and He has therefore sanctioned the extreme penalty of law i.e. death for the perpretrators of the crime according to the exigencies of time and circumstance. This is the political weapon of Islam for suppressing rebellion and disorder. This also includes dacoity and murder. The Holy Quran says: Rebellion is greater than murder—2:217Q. Don't bring disorder in the land after its peace —7:56Q. Rebellion has been made grossly unlawful by the Quran. It says: My Lord has prohibited·········sin and rebellion without just cause—7:33Q. Surely Allah forbids indecency, evil and rebellion—16:90Q. The Prophet said: There is no sin, which hastens punishment in this world along with what is in store for him in the hereafter except rebellion and severence of blood-tie—2.119. Such being the strong condemnation, severe punishment has been prescribed in the following verse: The sentence of those who wage war against Allah and His Apostle and strive to make mischief in the land is only this that they shall be murdered, or crucified, or their hands and feet shall be cut off on opposite sides, or they shall be imprisoned. There is disgrace for them in this world, and in the hereafter they shall have a severe punishment except those who repent before you have them in your power—5:33Q. This was repeated in hadis 25:79.

Now turning to the case of *Apostates*, it is seen that they are *Murtads* who turn away from their religion of Islam after they have accepted it. What is the prescribed sentence for them? In Fatwae Alamgiri, there is an elaborate discussion on this point.

Let us, however, independently deal with this subject in the light of those discussions. What does the Quran say about these apostates? It says: O you who believe! whoever from among you turns back from his religion, then Allah will soon bring a people. He shall love them and they shall love Him—5:54Q. He who disbelieves in Allah after his having believed, not he who is compelled while his heart is at rest on account of faith, but he who opens his chest for disbelief, on them is the wrath of Allah, and they shall have a grievous chastisement—16:106Q. And whoso of you turns back from his religion and then dies while an unbeliever—these it is whose works shall go for nothing in this world, and in the hereafter they will be the inmates of the fire; therein they shall abide—2:217Q. There are some other verses but in all of them there is no prescribed sentence for simple apostacy from the faith of Islam. The reason is obvious. The Quran says: There is no compulsion in religion—2:256Q. Hence for the offence of simple apostacy, the Quran cannot prescribe any sentence as it cannot be contradictory. It appears, however, that the jurists prescribed death sentence for the apostates in accordance with the verse 5:33Q. The jurists meant those apostates for this sentence who turn away from the religion of Islam and join the enemies in crushing the infant common-wealth of Islam. The contents of the verse 5:33Q clearly indicate it. This has been made clear by the tradition 25:79. It says: Murder for three causes is lawful—fornication after marraige, fighting with Allah and His Prophet, or for murder. The hadis "whoso changes his religion, kill him (25:74)" should be read along with hadis no. 25:79 and 25 77. In 25:77, the extreme sentence was given because the apostates killed some men. There is not a single instance in which an apostate was killed simply for his apostacy attended with friendship for the Muslims. Hence the apostates for which capital punishment has been prescribed are those who join the enemies and wage war against Islam or create disturbance in the land.[1]

1. See note 1969 and the traditions under that section for further light.

74. **Akramah** reported that some 'Zindiqs' were brought before Ali. He burnt them. This reached Ibn Abbas who said: Had I been (there), I would not have burnt them owing to the prohibition of the Messenger of Allah: Don't torture with the torture of Allah. I would have certainly killed them owing to the saying of the Prophet: Whoso changes his religion, kill him.[1186a] —*Bukhari.*

عن عكرمة قال أتي علي بزنادقة فأحرقهم فبلغ ذلك ابن عباس فقال لو كنت أنا لم أحرقهم لنهي رسول الله صلعم لا تعذبوا بعذاب الله ولقتلتهم لقول رسول الله صلعم من بدل دينه فاقتلوه * (البخاري)

75. **Ali** reported: I heard the Messenger of Allah say: A people will soon appear in latter days—young in age and fool in understanding. They will utter the best of the sayings of the creation. Their faith will not cross their throats. They will flee away from the religion as an arrow passes from the quiver. Wherever you meet them, kill them; because there will be reward for their murder on the Resurrection Day for those who kill them. —*Agreed.*

عن علي قال سمعت رسول الله صلعم يقول سيخرج قوم في آخر الزمان حداث الأسنان سفهاء الأحلام يقولون من خير قول البرية لا يجاوز إيمانهم حناجرهم يمرقون من الدين كما يمرق السهم من الرمية فأينما لقيتموهم فاقتلوهم فإن في قتلهم أجرا لمن قتلهم يوم القيمة * (متفق عليه)

76. **Jarir** reported that the Messenger of Allah said in the Farewell Pilgrimage: Never become polytheists after me on account of some of your smiting the necks of others. —*Agreed.*

عن جرير قال قال رسول الله صلعم في حجة الوداع لا ترجعن بعدي كفارا يضرب بعضكم رقاب بعض * (متفق عليه)

77. **Anas** reported that a party of Ukl tribe came to the

عن أنس قال قدم على النبي

1186a. See note 1172 for explanation.

Messenger of Allah and embraced Islam. Then they disliked Medina. He ordered them to bring the camels of zakat, to drink their urine and milk. They did so and became cured. Afterwards they turned retrogades, killed their herdsmen and drove away the camels. He sent to trace their steps and so they were brought. He had their hands and feet cut off and eyes plucked out. Then they did not medically treat them till they died.[1187] —*Agreed.*

صلعم نفر من عكل فاسلموا فاجتووا
المدينة فامرهم ان ياتوا ابل الصدقة
فيشربوا من ابوالها و البانها ففعلوا
فصحوا فارتدوا و قتلوا رعاتها و استاقوا
الابل فبعث في آثارهم فاتي بهم
فقطع ايديهم و ارجلهم و سمل اعينهم
ثم لم يحسمهم حتى ماتوا *
(متفق عليه)

78. **Imran-b-Hussain** reported: The Messenger of Allah used to encourage us for charity and forbade us mutilation of limbs. —*Abu Daud, Nisai from Anas.*

عن عمران بن حصين قال كان رسول
الله صلعم يحثنا على الصدقة و ينهانا عن
المثلة * (ابوداود والنسائي عن انس)

79. **Ayesha** reported that the Messenger of Allah said: It is not lawful to take the blood of a Muslim who bears witness that there is no deity but Allah and that Muhammad is the Apostle of Allah except for either of three things: Fornication after marriage as he is subject to stoning to death, a man who comes out fighting with Allah and His Prophet as he shall be killed, hanged or

عن عائشة قال قال رسول الله صلعم
لا يحل دم امرء مسلم يشهد ان لا اله
الا الله و ان محمدا رسول الله الا باحدى
ثلاث زنى بعد احصان فانه يرجم و
رجل خرج محاربا لله و رسوله فانه
يقتل او يصلب او ينفى من الارض

1187. Some say that this was said before the verse regarding renegades was revealed. According to this tradition, all Imams except Abu Hanifa say that to drink urine of camel is lawful specially in case of disease, but Imam Abu Hanifa rejects it as impure.

banished from the land; or one who kills a soul and then he shall be killed for it. —*Abu Daud.*

أو يقتل نفسا فيقتل بها * (أبوداود)

80. **Abu Darda'a** reported from the Messenger of Allah who said: Whoso acquires a land with its Jizya tax, violates his migration; and whoso takes off the collar of a polytheist from his neck and puts it in his neck, certainly throws Islam on its back. —*Abu Daud.*

عن أبي الدرداء عن رسول الله صلعم قال من أخذ أرضا بجزيتها فقد استقال هجرته ومن نزع صغار كافر من عنقه فجعله في عنقه فقد ولى الإسلام ظهره * (أبوداود)

81. **Jarir-b-Abdullah** reported that the Messenger of Allah sent an army to Khas'am. Some of them held fast to prostration and then murder was hastened among them. This reached the Ms. of Allah who ordered them to pay half blood-price and said: I am displeased with every Muslim permanently residing in the midst of (the backs of) the polytheists. They asked: O Ms. of Allah, why? He said: That they may not see each other their fire.[1188] —*Abu Daud.*

عن جرير بن عبد الله قال بعث رسول الله صلعم سرية إلى خثعم فاعتصم ناس منهم بالسجود فأسرع فيهم القتل فبلغ ذلك النبي صلعم فأمرلهم بنصف العقل وقال أنا بريء من كل مسلم مقيم بين أظهر المشركين قالوا يا رسول الله لم قال لا تتراءى ناراهما * (أبوداود)

82. **Jundab** reported that the Messenger of Allah said: The

عن جندب قال قال رسول الله صلعم

1188. In living among the polytheists, the Muslims take risks upon their lives. So the Holy Prophet prohibited the Muslims to live among the polytheists permanently. Islam is the symbol of monotheism and as such monotheism and polytheism are diametrically opposed to each other and therefore Muslims and non-Muslims can not live together with perfect observation of religious observances. The last sentence means that the Muslims and the non-Muslims who quarrel with each other should live at such a distance that the fire of the Muslims may not be seen by non-Muslims and vice-versa. When, however, there is emity, there is no harm in living closer still. It appears that the Muslim army here killed a section of the Muslims who used to pray.

ordained punishment of a sorcerer is a stroke with sword.[1189]

—*Tirmizi.*

حَدُّ السَّاحِرِ ضَرْبَةٌ بِالسَّيْفِ ـ (اَلتِّرْمِذِي)

83. **Jarir** reported from the Prophet who said: When a slave flees away towards polytheism, his blood becomes lawful. —*Abu Daud.*

عَنْ جَرِيْرٍ عَنِ النَّبِيِّ صلعم قَالَ اِذَا اَبَقَ الْعَبْدُ اِلَى الشِّرْكِ فَقَدْ حَلَّ دَمُهُ ـ

(اَبُوْدَاوُد)

84. **Sharik-b-Shihab** reported: I wished to meet one of the companions of the Messenger of Allah to ask him about the Kharijites. I met Abu Barzah on an I'd day among a host of his companions. I asked him: Have you heard the Messenger of Allah talking about the Kharijites? 'Yes' said he, 'I heard with my two ears the Ms. of Allah and I saw him with my two eyes that some property was brought to him. He divided it and gave those who were on his right side and those on his left and he did not give anything to those who were behind him. A man from his behind got up and said: O Muhammad, you have not done justice in the division. The man was black, shaved of hairs, and over him were tied two white clothes. Then the Messenger of Allah became greatly enraged and said: By Allah, you will not find after me a man who

عَنْ شَرِيْكِ بْنِ شِهَابٍ قَالَ كُنْتُ اَتَمَنَّى اَنْ اَلْقَى رَجُلاً مِنْ اَصْحَابِ النَّبِيِّ صلعم اَسْاَلُهُ عَنِ الْخَوَارِجِ فَلَقِيْتُ اَبَا بَرْزَةَ فِيْ يَوْمِ عِيْدٍ فِيْ نَفَرٍ مِنْ اَصْحَابِهِ فَقُلْتُ لَهُ هَلْ سَمِعْتَ رَسُوْلَ اللهِ صلعم يَذْكُرُ الْخَوَارِجَ قَالَ نَعَمْ سَمِعْتُ رَسُوْلَ اللهِ صلعم بِاُذُنَيَّ وَرَاَيْتُهُ بِعَيْنَيَّ اُتِيَ رَسُوْلُ اللهِ صلعم بِمَالٍ فَقَسَمَهُ فَاَعْطَى مَنْ عَنْ يَمِيْنِهِ وَمَنْ عَنْ شِمَالِهِ وَلَمْ يُعْطِ مَنْ وَرَاءَهُ شَيْئًا فَقَامَ رَجُلٌ مِنْ وَرَائِهِ فَقَالَ يَا مُحَمَّدُ مَا عَدَلْتَ فِي الْقِسْمَةِ رَجُلٌ اَسْوَدُ مَطْمُوْمُ الشَّعْرِ عَلَيْهِ ثَوْبَانِ اَبْيَضَانِ فَغَضِبَ رَسُوْلُ اللهِ صلعم غَضَبًا شَدِيْدًا وَقَالَ وَاللهِ لَا تَجِدُوْنَ بَعْدِيْ

1189. Sorcery is unlawful according to unanimous opinion of the jurists. Imam Shafeyi held that such man can be killed if he is not repentant. Malek holds that a sorcerer is a Kafir.

will be more just than myself. Afterwards he said : There will appear a people in latter days (as if this man is one of them) who will read the Quran which will not cross their throats. They will flee away from Islam as the arrow rushes off from its quiver. Their signs will be 'shaving' (or sitting in circle). They will continue to come out till their last man will come out with Anti-Christ. So when you meet them, (you will consider that) they are the worst of creations and creatures.—*Nisai.*

رجلا هو اعدل مني ثم قال يخرج في
آخر الزمان قوم كان هذا منهم يقرؤن
القرآن لا يجاوز تراقيهم يمرقون من
الاسلام كما يمرق السهم من الرمية
سيماهم التحليق لا يزالون يخرجون حتى
يخرج آخرهم مع المسيح الدجال فاذا
لقيتموهم هم شر الخلق والخليقة *
(النسائي)

85. **Abu Galeb** reported that Abu Omamah saw some heads fixed in a road of Damascus. Then Abu Omamah said : The dogs of the fire are the worst of those who were killed under the canopy of sky ; and those who killed them are the best of martyrs. Afterwards he recited : On the Day when faces will turn white and faces will turn black—the verse.[1189a] It was said to Abu Omamah : Have you heard the Ms. of Allah say (this)? He said : Had I not heard him but once, twice or thrice (till he numbered seven times), I would not have conveyed it to you.

—*Ibn Majah, Tirmizi (Approved).*

عن ابي غالب رأى ابو امامة
رؤسا منصوبة على درج دمشق فقال
ابو امامة كلاب النار شر قتلى تحت
اديم السماء خير قتلى من قتلوه ثم قرأ
يوم تبيض وجوه وتسود وجوه الآية قال
لابي امامة انت سمعت من رسول الله
صلعم قال لو لم اسمعه الا مرة او مرتين
او ثلاثا حتى عد سبعا ما حدثتكموه *
الترمذي وابن ماجة (حسن)

1189a. The rest of the verse runs as follows : As for those whose faces have turned black—have you turned infidels after your faith? Then taste the sentence on account of your having disbelieved (Q). It is said that those persons were Kharijites and retrogades fighting against Islam.

86. Abdur Rahman-b-Abd-Allah reported from his father who said : We were with the Apostle of Allah in a journey. He went on his call of nature. We saw a pigeon with two young ones. We took the young ones and then came to the pigeon but it began gave fluttering. Thereupon the Holy Prophet came and said : Who is giving anguish to it on account of her young ones? Return its young ones to it. And he saw a village of ants which we burnt. He asked : Who has burnt this? We said : We. He said : He should not punish with the fire except by the Lord of the fire.

—*Abu Daud.*

عَنْ عَبْدِ الرَّحْمٰنِ بْنِ عَبْدِ اللّٰهِ عَنْ أَبِيْهِ قَالَ كُنَّا مَعَ رَسُوْلِ اللّٰهِ صلعم فِيْ سَفَرٍ فَانْطَلَقَ لِحَاجَتِهٖ فَرَأَيْنَا حُمَرَةً مَعَهَا فَرْخَانِ فَأَخَذْنَا فَرْخَيْهَا فَجَاءَتِ الْحُمَرَةُ فَجَعَلَتْ تَفْرِشُ فَجَاءَ النَّبِيُّ صلعم فَقَالَ مَنْ فَجَعَ هٰذِهٖ بِوَلَدِهَا رُدُّوْا وَلَدَهَا إِلَيْهَا وَرَأَى قَرْيَةَ نَمْلٍ قَدْ حَرَّقْنَاهَا قَالَ مَنْ حَرَّقَ هٰذِهٖ فَقُلْنَا نَحْنُ قَالَ إِنَّهٗ لَا يَنْبَغِيْ أَنْ يُعَذِّبَ بِالنَّارِ إِلَّا رَبُّ النَّارِ ‎*‎

(أَبُوْدَاوُدَ)

SECTION 10

1190. Adultery

(a) **Sentence of Adultery.** Adultery or fornication has been expressly made unlawful by the Almighty Allah as otherwise the society would have been reduced to chaos and disorder. The Holy Quran proclaims : And do not go near fornication. Surely it is an indecency and evil as a method—17:32Q. And do not compel your slave girls to prostitution when they desire to keep chaste—24:33Q. Regarding the sentence of adultery, the Quran says : The adulteress and the adulterer, flog each of them, giving a hundred stripes ; and let not pity for them detain you in the matter of obedience to Allah if you believe in Allah and the last day, and let a party of the believers witness their chastisement (24:2Q). In case of slave-girls, the

punishment is half. The Quran says: "And when they (slave-girls) are taken in marriage, then if they are guilty of fornication, they shall suffer half the punishment which is inflicted upon free women—4:250. It appears from these clear verses that the ordinance for adultery in case of free married and unmarried men and women are 100 stripes, and that for slaves and female slaves 50 stripes. In meting out this punishment, the Quran draws attention to the fact that forgiveness on the part of one to whom wrong is done is, however, the best. It says: And the recompense of evil is punishment proportionate thereto, but whoso forgives and amends, he shall have his reward from Allah—42:400. Thus the Quran recognises the Jewish law of tooth for tooth in some cases as well as the law of Jesus, of turning another face in case one is slapped.

Some traditions occurring in this section prove beyond the shadow of doubt that in case of married male and female, the sentence is nothing short of death or extreme penalty of law; and in case of unmarried men and women, 100 stripes as the Quran lays down. This apparent contradiction between the Quranic verse and tradition has been explained by a few jurists by saying that the verse of stoning to death has been abrogated during life time of the Prophet and therefore it did not find place in the Quran. The verse is said to have run as follows:—

الشيخ والشيخة اذا زنيا فارجموها البتة نكالا من الله والله عزيز حكيم ۔

When a man and woman (both married) commit adultery, stone them both; an exemplary punishment from Allah, and Allah is Powerful, Wise. The majority of theologians, the four Imams (Abu Hanifa, Shafeyi, Malek and Ahmad) and other learned jurists hold that the order for stoning to death still exists. The question was raised before the Prophet when it was referred to him. He as the best interpreter of the Quran said that, according to the Book, a married adulterer and a married adulteress shall be put to death. Who can be a greater authority in interpreting the Quran than the Prophet himself? This ordinance was carried out by Hazrats Abu Bakr, Omar and other Caliphs that came after them (25:88). Had the capital

sentence in case of married culprits been abrogated, these Caliphs would not have followed the command of the Prophet. Although capital sentence has got no clear mention in the Quranic verses now extant, there is no doubt that there is indication of such a capital sentence in the following verse. "And those who commit indecency from your wives, take four witnesses from you against them. If they witness, keep them imprisoned within the houses till death overtakes them or Allah makes out a way for them (4:15Q) Here there is the sentence of death. Way has been interpreted as the prescribed sentence. In addition to this verse, there are clear authentic traditions to show that the order of capital sentence is still in force. The Prophet said It is unlawful to shed the blood of a Muslim except for one of three causes—apostacy, adultery after marriage and murder—25:15,79. This was the law of the Jews, and the Holy Prophet retained this law out of fear that there might be laxity of morals in latter days. In suitable cases, banishment or exile, or both together, may be passed on such a criminal—25:87.

This ordinance alone is a solution of recent increase of abductions, adultery, fornication, debauchery and indiscriminate criminal and indecent assaults on the females. The measure seems to be the most severe but the evil is also the most heinous creating a great disturbance in the society. It has been found that lenient dealings with the criminals of this sort give more encouragement for doing these misdeeds. No measure short of extreme penalty can stop these offenders. Slight punishment shows indeed a very low standard of sexual moral sense of the people. This shows that the Prophet had the greatest moral sense in the world and he attached the greatest value to morality. Let the critics of the Prophet's character ponder now over this point in judging the true character of the Prophet. The breach of the greatest trust which is imposed in a man or a woman, the breach which ruins families, destroys house-hold peace, deprives innocent children of their loving mother, a beloved husband of his dear wife, is not looked upon as seriously as the breach of trust of a few pounds. This lack of sexual morality gives a

sense of too much severity in the Islamic sentence in the minds of the modern educated men.

(b) **Proof necessary for establishing the crime.** For the capital sentence, there is, however, required a very strict proof. The Holy Prophet meted out capital sentence almost always in case of confessions of these crimes corroborated either by confessions for four times or four independent witnesses. The witnesses must be examined and they must be eye-witnesses to the actual occurrence and not merely infer it from the circumstances. In case the witnesses cannot establish the crime or speak lies, they are to be punished with 80 stripes. If there are no four witnesses, one witness followed by confessions for four times in four different postures is necessary (see 24:4 to 70). In view of strict proof necessary to establish such an offence, the utmost secrecy with which these crimes are committed and the absence of any confession of crimes, the extreme penalty of law can hardly be meted out.

(c) **The sentence of adultery in Islam is just.** In societies other than Islam, fornication or adultery of a major woman or girl, whether married or unmarried, is not a criminal offence. Hence a grown up girl or woman can easily fornicate without impugnity or fear of punishment. The females are not at all punished for their wilful disrespect for chastity. This indeed sets up the passions of the young men who put extremely low value upon sexual morality. The most precious jewel of chastity in a woman's crown of virtue can be compensated for a few pounds. Let every government follow the noble example of Islam regarding the sentence of adultery in the case of males and females. Until and unless the females are sentenced with the males, there will be no stop to fornication, kidnapping or adultery.

REFERENCES & CONTENTS The minor faults of the respectable persons may be excused except ordained crimes—25:101; it is better to acquit through mistake ten guilty persons than to convict an innocent man—25:102; woman can pray in mosque—25:104; unnatural intercourse is the most heinous—25:106, 108, 849w; so also intercourse with an animal—25:107, 119; Allah will not look to one who uses rectum as the door of intercourse—25:112; enforce sentences of ordained crimes—25: 114,115, honour of a Muslim must be respected—25:119; bribery creates fear and fornication famine—25:849w; marriage with intention of paying no dower is fornication—1:9; in fornication, faith goes out—1:82 Paradise unlawful for an abettor to

prostitution—25:168. 324w: Allah will not talk with an aged fornicator—26:40; 4:121; fornication of limbs—82:6.

QURAN—17:32; 24:32, 70:29 (chastity); 2:229; 24:1 (punishment); 24:2; 24:4—18 (evidence); 24:27, 70:31; 4:15, 16; 24:11.

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86. **Abu Hurairah and Zaid-b-Khalid** reported that two persons began to quarrel before the Messenger of Allah. One of them said: Decide between us according to the Book of Allah. Another man said: Yes, O Ms. of Allah, decide between us according to the Book of Allah and give me permission to speak. He said: Narrate. He said: Verily my son was his labourer and he committed adultery with his wife. Some gave us decision that my son should be stoned to death. I gave him ransom of 100 goats and one slave-girl of mine. Then I asked the learned men who informed me that my son should be inflicted with 100 stripes and be banished for one year, and that his wife should be stoned to death. The Ms. of Allah said: Beware! by One in whose Hand there is my life, I must decide between you according to the Book of Allah. As for your goats and slave-girl, they must be returned to you; as for your son, he shall be given 100

عن ابي هريرة وزيد بن خالد
ان رجلين اختصما الى رسول الله
صلعم فقال احدهما اقض بيننا بكتاب
الله وقال الآخر اجل يا رسول الله
فاقض بيننا بكتاب الله واذن لي ان
اتكلم قال تكلم قال ان ابني كان
عسيفا على هذا فزنى بامرأته فاخبروني
ان على ابني الرجم فافتديت منه بمائة
شاة وبجارية لي ثم اني سألت اهل
العلم فاخبروني ان على ابني جلد
مائة وتغريب عام وانما الرجم على
امرأته فقال رسول الله صلعم اما و
الذي نفسي بيده لاقضين بينكما
بكتاب الله اما غنمك وجاريتك

stripes and banishment for one year. As for you, O Onais, bring this woman at morn. If she confesses, then stone her to death. Then she confessed, and so she was put to death.[1191] —*Agreed.*

نرد عليك و أما ابنك فعليه جلد
مائة و تغريب عام و أما أنت يا أنيس
فاغد على امرأة هذا فإن اعترفت فارجمها
فاعترفت فرجمها * (متفق عليه)

87. **Zaid-b-Khalid** reported: I heard the Messenger of Allah gave order about one who committed fornication in an unmarried state, of hundred stripes and exile for a year.[1192] —*Bukhari.*

عن زيد بن خالد قال سمعت النبي
صلعم يأمر فيمن زنى و لم يحصن جلد
مائة و تغريب عام * (البخاري)

88. **Omar** reported: Verily Allah sent Muhammad with truth and revealed the Book to him. Out of the verses the Almighty Allah revealed, there was the verse of stoning to death. The Messenger of Allah stoned to death and after him we also stoned to death. And stoning to death in the Book of Allah is a truth against one out of males and females who commits adultery in a married state, in case proof is established or there occurs pregnancy or confession. —*Agreed.*

عن عمر قال إن الله بعث محمدا
بالحق و أنزل عليه الكتاب فكان مما
أنزل الله تعالى آية الرجم رجم رسول
الله صلعم و رجمنا بعده و الرجم في
كتاب الله حق على من زنا إذا أحصن
من الرجال و النساء إذا قامت البينة
أو كان الحبل أو الاعتراف *
(متفق عليه)

1191. In order to mete out the ordained punishment, one confession is necessary according to Imam Shafeyi, but according to Imam Abu Hanifa 4 confessions are necessary. With regard to banishment for a year, that is said to be in the discretion of the ruling power according to exigencies of the time, and not included within Had or prescribed sanction.

1192. There are three modes of ascertaining the truth of adultery: by confession by pregnancy and by positive proof.

89. **Amr-b-Shuaib** reported from his father from his grandfather who said that a man got up and said: O Ms. of Allah, So and so is my son. I had sexual intercourse with his mother in the Days of Ignorance. Then the Prophet said: There is no permission in Islam. The affair of the Days of Ignorance has gone. Child is for the bed; and for the fornicator, there is stoning to death. —*Abu Daud.*

عن عمرو بن شعيب عن أبيه عن جده قال قام رجل فقال يا رسول الله إن فلانا ابني عاهرت بأمه في الجاهلية فقال رسول الله صلعم لا دعوة في الإسلام ذهب أمر الجاهلية الولد للفراش وللعاهر الحجر * (ابوداود)

90. **Obadah-b Swamet** reported that the Messenger of Allah said: Take from me, take from me. Verily Allah chalked out a way for them.[1196] (fornication of) a virgin with a virgin—100 stripes and exile for a year; and one married with another married—100 stripes and stoning to death. —*Muslim.*

عن عبادة بن الصامت أن النبي صلعم قال خذوا عني خذوا عني قد جعل الله لهن سبيلا البكر بالبكر جلد مائة وتغريب عام والثيب بالثيب جلد مائة والرجم * (مسلم)

91. **Abdullah-b Omar** reported that the Jews came to the Messenger of Allah and stated that a man and a woman from among them had committed adultery. The Holy Prophet said:

عن عبد الله بن عمر أن اليهود جاءوا إلى رسول الله صلعم فذكروا له أن رجلا منهم وامرأة زنيا فقال لهم

1196. Way stands for 'Had' or prescribed sanction. The word explains the Quranic verse—And those who commit indecency from your wives, take four witnesses from you against them. If they witness, keep them imprisoned in the houses till death overtakes them or Allah makes out a way for them (4:10Q) It appears from this tradition that there are 100 stripes in addition to stoning to death. This is however contradictory to hadis no 25:87. The companions, their successors and majority of jurists hold that stripes in addition to stoning has got no force.

Don't you find in the Torah in the matter of stoning to death? They replied: We put them to disgrace, and they are whipped. Abdullah-b-Salam said: You have lied. Verily there is therein stoning to death. Then they brought the Torah and spread it out. One of them put his hand over the verse of stoning to death and read what was before and after it. Abdullah-b-Salam said: Raise up your hand. So he raised up his hand when lo! there was therein the verse of stoning to death. They said: He has spoken the truth, O Muhammad; therein is the verse of stoning to death. Then the Holy Prophet passed order about them both and they were stoned to death. In a narration, he said: Raise up your hand. So he raised up lo! therein appeared the verse of stoning to death. He said: O Muhammad, there is the verse of stoning to death in it but we conceal it among us. Then he passed order about them, and they were stoned to death.[1194] —*Agreed.*

رسول الله صلعم ما تجدون في التوراة
في شان الرجم قالوا نفضحهم و يجلدون
قال عبد الله بن سلام كذبتم ان فيها
الرجم فاتوا بالتوراة فنشروها فوضع احدهم
يده على اية الرجم فقرا ما قبلها وما
بعدها فقال عبد الله بن سلام ارفع يدك
فرفع فاذا فيها اية الرجم فقالوا صدق
يا محمد فيها اية الرجم فامر بهما
النبي صلعم فرجما وفي رواية قال ارفع
يدك فرفع فاذا اية الرجم تلوح فقال
يا محمد ان فيها اية الرجم ولكنا
نتكاتمه بيننا فامر بهما فرجما *

(متفق عليه)

1194. It appears from this tradition that the non-Muslims under Muslim rule should be governed by their respective laws and not by the laws of the Muslims. How catholic is the spirit of Islam and how grand is the pronouncement! It can not be dreamt even by the rulers of the 20th century who are introducing their own laws of crimes. Had there been administration according to this principle, much of communal jealousies and blood-shed would have been stopped. It is also clear that non-Muslims trusted the Prophet in matters secular and this throws a flood of light upon the integrity and justice of the Prophet. It is also deduced from this that Muhammad received revelations from Allah, as he, being totally illiterate, said

92. Abu Hurairah reported that a man came to the Ms. of Allah while he was in the mosque and addressed him: O Ms. of Allah, verily I have committed adultery. Thereupon the Prophet turned aside from him. He also turned aside half of his face which was in front of him and said: I have committed adultery. He turned aside from him. When he deposed four times, the Ms. of Allah called him and asked: Are you mad? 'No' said he. He asked "Are you married?" 'Yes' said he, 'O Ms. of Allah'. He said: Take him and stone him to death.' Ibn Shihab said: The man who heard Jaber-b-Abdullah saying (this) informed me—we then stoned him to death at Medina. When one stone was thrown at him, he fled away till we caught hold of him in a field. Then we stoned him to death till he died.[1195]

—*Agreed.*

عن ابي هريرة قال اتى النبي صلعم رجل وهو في المسجد فناداه يا رسول الله اني زنيت فاعرض عنه النبي صلعم فتنحى لشق وجهه الذي اعرض قبله فقال اني زنيت فاعرض عنه فلما شهد اربع شهادات دعاه النبي صلعم فقال ابك جنون قال لا فقال احصنت قال نعم يا رسول الله قال اذهبوا به فارجموه قال ابن شهاب فاخبرني من سمع جابر بن عبد الله يقول فرجمناه بالمدينة فلما اذلقته الحجارة هرب حتى ادركناه بالحرة فرجمناه حتى مات * (متفق عليه)

93. Ibn Abbas reported that when Ma'ez-b-Malek came to the Holy Prophet (in the mosque and said that he committed adultery),

عن ابن عباس قال لما اتى ماعز بن مالك النبي صلعم قال له لعلك

stories of yore and dictated himself the laws of the Jews and Christians. It shows also that the Jews were trying to conceal and efface the laws which were not pleasant to them. Abdullah was a Jew at first and then he accepted Islam.

1195. Here the Prophet required corroboration of confession four times, because no man said falsehood about a crime which goes towards putting him to death.

he said to him: Perhaps you have kissed, or touched, or looked. 'No' said he, 'O Ms. of Allah.' He said: Have you committed adultery with her? (He did not said it metaphorically). 'Yes' said he. Whereupon he passed order for stoning him to death. —*Bukhari.*

قبلت او غمزت او نظرت قال لا يا رسول
الله قال انكتها لا يكني قال نعم فعند
ذلك امر برجمه * (البخاري)

94. **Boraidah** reported that Ma'ez-b-Malek came to the Ms. of Allah and said: O Ms. of Allah! make me pure (from adultery). He said: Woe to you! go back and seek forgiveness of Allah and turn to Him penitently. Then he went to a place not far off and afterwards came and said: O Ms. of Allah, make me pure. The Prophet said like that, till when it was four times, the Prophet told him: From what shall I purify you? He said: from fornication. The Prophet asked: Is he a mad man? He informed him that he was not a mad man. Then he enquired: Has he drunk wine? A man got up and took smell from him but found no air of wine from him. He asked: Have you

عن بريدة قال جاء ماعز بن مالك
الى النبي صلعم فقال يا رسول الله
طهرني فقال ويحك ارجع فاستغفر الله
وتب اليه فرجع غير بعيد ثم جاء
فقال يا رسول الله طهرني فقال النبي
صلعم مثل ذلك حتى اذا كانت الرابعة
قال له رسول الله صلعم فيم اطهرك
قال من الزنا قال رسول الله صلعم ابه
جنون فاخبر انه ليس بمجنون فقال
اشرب خمرا فقام رجل فاستنكهه فلم
يجد منه ريح خمر فقال ازنيت فقال

Confession of a mad man is void, and therefore punishment can not be meted out to him. This extreme punishment was necessary in order to establish the kingdom of morality for which the Prophet stood. In a narration of Bukhari reported by Jaber after his word 'yes', the following occurs: He said: yes. Then he passed order regarding him and he was stoned to death.

committed adultery? 'Yes' said he. Then he passed order about him, and he was stoned to death. They stayed for 2 or 3 days and then the Ms. of Allah came and said: Ask forgiveness for Ma'ez-b-Malek who repented such a repentance that if it had been distributed among a people, it would have been sufficient for them. Afterwards a woman of Gamed of the tribe Azad came to him and said: O Ms. of Allah, make me pure. He said: Woe to you! go back and seek forgiveness of Allah and return to Him penitently. She said: You wish to turn me back as you have turned Ma'ez-b-Malek. She was conceived by adultery. He asked: Are you? 'Yes' said she. He said to her: (Go) till you put down what is in your belly. He said: Then one of the Ansars maintained her till she gave birth. Then he came to the Prophet and said: The Gamedia woman has delivered. He said: Then we shall certainly stone her to death and leave her little child. Is there nobody to suckle it? One of the Ansars got up and said: O Prophet of Allah, on me is its suckling. He said: Then he had her stoned to death. In

نعم فأمر به فرجم فلبثوا يومين أو ثلثة
ثم جاء رسول الله صلعم فقال استغفروا
لماعز بن مالك لقد تاب توبة لو قسمت
بين أمة لوسعتهم ثم جاءته امرأة من
غامد من الازد فقالت يا رسول الله
طهرني فقال ويحك ارجعي فاستغفري
الله وتوبي اليه فقالت تريد ان
تردّدني كما رددت ماعز بن مالك
انها حبلى من الزنا فقال آنت قالت
نعم قال لها حتى تضعي ما في بطنك
قال فكفلها رجل من الانصار حتى
وضعت فأتى النبي صلعم فقال قد
وضعت الغامدية فقال اذا لا نرجمها وندع
ولدها صغيرا ليس له من يرضعه فقام
رجل من الانصار فقال الي رضاعه يا
نبي الله قال فرجمها وفي رواية انه

a narration, he said to her: Go and suckle it till you wean it. When she weaned it, she came to him with the child with a piece of bread in his hand. She said: O Prophet of Allah, this I have weaned away, and it has taken food. He then handed over the child to one of the Muslims and passed order about her. A pit was dug for her up to her chest and he ordered the people and so they stoned her to death. Khalid-b-Walid came with a stone and threw it at her heed. The blood streaked out over the face of Khalid who rebuked her. Then the Prophet said: Tarry, O Khalid, by One in whose Hand there is my life, she has repented such a repentance that had a collector of taxes repented in such a way, he would have been certainly forgiven. Then he passed order about her and said (funeral) prayer over her, and she was then buried. —*Muslim.*

قال لها اذهبي حتى تلدي فلما ولدت قال اذهبي فارضعيه حتى تفطميه فلما فطمته أتته بالصبي في يده كسرة خبز فقالت هذا يا نبي الله قد فطمته وقد أكل الطعام فدفع الصبي إلى رجل من المسلمين ثم أمر بها فحفر لها إلى صدرها وأمر الناس فرجموها فيقبل خالد بن الوليد بحجر فرمى رأسها فتنضح الدم على وجه خالد فسبها فقال النبي صلعم مهلا يا خالد فوالذي نفسي بيده لقد تابت توبة لو تابها صاحب مكس لغفر له ثم أمر بها فصلى عليها ودفنت.

(مسلم)

95. **Abu Hurairah** reported: I heard the Ms. of Allah say: When the slave-girl of any of you commits fornication, and her fornication is established by proof, let her be flogged as ordained, and there shall be no accusation against her. If

عن أبي هريرة قال سمعت النبي صلعم يقول إذا زنت أمة أحدكم فتبين زناها فليجلدها الحد ولا يثرب عليها

she commits fornication again, let her be flogged as ordained, and there's no accusation. If she again commits fornication, and her fornication is established by proof, let her be sold though in exchange of a rope of hair.[1196] —*Agreed.*

ثم إن زنت فليجلدها الحد ولا يثرب ثم إن زنت الثالثة فتبين زناها فليبعها ولو بحبل من شعر * (متفق عليه)

96. **Ali** reported: O men, set in force the ordained punishment for your slave for one who is married from them and one who is not married, because the slave-girl of the Ms. of Allah committed fornication, and he ordered me to inflict strife on her while she has just gave birth to a child. I feared that if I should inflict strife on her, I might be killing her. So I stated it to the Ms. of Allah who said: You have done well. *Muslim* narrated it. In a narration of *Abu Daud,* he said: Leave her till her blood (of child-birth) stops and then inflict ordained punishment on her, and give prescribed sentences to those whom your right hands have possessed.

عن علي قال يا أيها الناس أقيموا على أرقائكم الحد من أحصن منهم ومن لم يحصن فإن أمة لرسول الله صلعم زنت فأمرني أن أجلدها فإذا هي حديث عهد بنفاس فخشيت إن أنا جلدتها أن أقتلها فذكرت ذلك للنبي صلعم فقال أحسنت رواه مسلم وفي رواية أبي داود قال دعها حتى ينقطع دمها ثم أقم عليها الحد وأقيموا الحدود على ما ملكت أيمانكم *

97. **Abu Hurairah** reported that Mager-al-Aslami came to the Ms. of Allah and said that he committed adultery. Then

عن أبي هريرة قال جاء ماعز الأسلمي إلى رسول الله صلعم فقال إنه

1196. The ordained punishment for slaves is 50 stripes. This rule is not applicable to freed slaves who are equal to free men in sentence of adultery.

he turned away from him. Afterwards he came from his other side and said that he committed adultery. He again turned away from him, and again he came from the other side and said: O Ms. of Allah, he (his body) has committed adultery. Then he passed order about him at the fourth time. He was taken out in a field and was stoned. When he felt the touch of a stone, he fled away running till he passed by a man with whom there was a stick of a camel. He beat him therewith and the people also beat him till he died. They mentioned it to the Ms. of Allah that he fled away when he felt the touch of the stones and touch of death. The Holy Prophet said: Why did you not leave him? And in a narration: Why did you not let him off, so that he might have turned to Him repentedly and Allah also might have turned to him.[1197]

—*Tirmizi, Ibn Majah.*

قد زنى فأعرض عنه ثم جاء من شقه الآخر فقال إنه قد زنى فأعرض عنه ثم جاء من شقه الآخر فقال يا رسول الله إنه قد زنى فأمر به في الرابعة فأخرج إلى الحرة فرجم بالحجارة فلما وجد مس الحجارة فر يشتد حتى مر برجل معه لحي جمل فضربه به وضربه الناس حتى مات فذكروا ذلك لرسول الله صلعم أنه فر حين وجد مس الحجارة ومس الموت فقال رسول الله صلعم هلا تركتموه رواه الترمذي وابن ماجة وفي رواية هلا تركتموه لعله أن يتوب فيتوب الله عليه *

98. **Ibn Abbas** reported that the Holy Prophet said to Ma'ez-b-Malek: Is it true what reached me from you? He

عن ابن عباس أن النبي صلعم قال لماعز بن مالك أحق ما بلغني

1197. It appears from this that in case of retraction of confession about adultery, the prescribed punishment of stoning to death can not be meted out. This extreme penalty only depends upon confession and proof by four witnesses. This tradition shows that the Prophet's heart was full of kindness but he was bound by the laws of God.

askek : And what had reached you about me ? He said : It reached me that you had committed adultery with a slave girl of so and so's family. He said : Yes. Then he deposed four times. So order was passed against him and he was stoned to death —*Muslim.*

عنك قال وما بلغك عني قال بلغني انك قد وقعت بجارية آل فلان قال نعم فشهد اربع شهادات فأمر به فرجم * (مسلم)

99. **Yezid-b-Nu'aim** reported from his father that Ma'ez came to the Holy Prophet and confessed before him four times (of adultery). So he ordered him to be stoned to death. He said to Hajjal : Had you covered him with your cloth, it would have been better for you. Ibnul Munkader said that Hajjal ordered Ma'ez to come to the Prophet and to inform him (of adultery). 1198 —*Abu Daud.*

عن يزيد بن نعيم عن ابيه ان ماعزا اتى النبي صلعم فاقر عنده اربع مرات فامر برجمه وقال لهزال لو سترته بثوبك كان خيرا لك قال ابن المنكدر ان هزالا امر ماعزا ان ياتي النبي صلعم فيخبره * (ابوداود)

100. **Amr-b-Shuaib** from his father from his grand father reported that the Ms. of Allah said : Pardon one another the ordained crimes that are among you. What reaches me about an ordained crime, becomes enforceable. 1198a —*Abu Daud, Nisai.*

عن عمرو بن شعيب عن ابيه عن جده ان رسول الله صلعم قال تعافوا الحدود فيما بينكم فما بلغني من حد فقد وجب * (ابوداود والنسائي)

101. **Ayesha** reported that the Ms. of Allah said : Forgive the

عن عائشة ان النبي صلعم قال

1198. Hajjal had a slave girl named Fatemah whom he set-free. Fatemah had then sexual intercourse with Ma'ez. Then Hajjal came to know it and disclosed it to the Prophet who rebuked him in mild terms. This shows that everybody should conceal acts of indecency.

1198a. This means that pardon should be extended by compromise without knowledge of judges and magistrates. But when any crime is brought to their notice, it becomes unlawful to them to pardon the guilty and the criminals.

faults of respectable men except the ordained crimes.[1199] —*Abu Daud.*

اقيلوا ذوي الهيئات عثراتهم الا الحدود - (ابوداود)

102. **Same** reported that the Ms. of Allah said: Drive off the ordained crimes from the Muslims as far as you can. If there is any place of refuge for him, let him have his way, because the leader's mistake in pardon is better than his mistake in punishment.[1200]

—*Tirmizi.*

عنها قالت قال رسول الله صلعم ادرؤا الحدود عن المسلمين ما استطعتم فان كان له مخرج فخلوا سبيله فان الإمام ان يخطي في العفو خير من ان يخطي في العقوبة * (الترمذي)

103. **Wael-b-Hujr** reported that a woman was forced to commit adultery at the time of the Prophet. Then he cancelled the ordained punishment from her and enforced it against one who compelled her. He did not mention whether he fixed for her any dowry.[1201] —*Tirmizi.*

عن وائل بن حجر قال استكرهت امرأة على عهد النبي صلعم فدرء عنها الحد و اقامه على الذي اصابها ولم يذكر انه جعل لها مهرا * (الترمذي)

104. **Same** reported that a woman came out at the time of the Ms. of Allah intending to say prayer. A man forced her and dragged her and satisfied his lust with her. She raised a cry but he went away. She passed by a host of the Refugees and said: Verily that man did

عنه ان امرأة خرجت على عهد النبي صلعم تريد الصلوة فتلقها رجل فتجللها فقضى حاجته منها فصاحت وانطلق و مرت عصابة من المهاجرين

1199. This has been addressed to the judges and magistrates.

1200. The principle that it is better to acquit 10 guilty persons than to punish an innocent one has been proclaimed by the Prophet of Islam 14 hundred years ago in the desert of Arabia. It has been now the guiding factor for the judges and magistrates in civilized countries.

1201. In case of forced adultery the inocent party can not at all be punished. On the contrary he or she is entitled to compensation in some form or other.

with me such and such a thing. They overtook him and came with him to the Ms. of Allah. He said to her: Go back because Allah has forgiven you, and he said about the man who had sexual intercourse with her: Stone him to death. He said afterwards: He has indeed made such a repentance that if the people of Medina would have done it, it would have been accepted from them.

—*Tirmizi, Abu Daud.*

فقالت ان ذلك الرجل فعل بي كذا وكذا فأخذوا الرجل فأتوا به رسول الله صلعم فقال لها اذهبي فقد غفر الله لك وقال للرجل الذي وقع عليها ارجموه وقال لقد تاب توبة لو تابها اهل المدينة لقبل منهم (الترمذي و ابوداود)

105. **Jaber** reported that a man committed fornication with a woman. The Holy Prophet passed order about him, and he was inflicted with the ordained stripes. Afterwards he was informed that he was a married man. So he passed order about him and he was stoned to death.

—*Abu Daud.*

عن جابر ان رجلا زنى بامرأة فأمر به النبي صلعم فجلد الحد ثم اخبر انه محصن فأمر به فرجم * (ابوداود)

106. **Akramah** from Ibn Abbas reported that the Ms. of Allah said: Whomsoever you find doing the deed of the people of Lot, kill the doer and one on whom it is done.[1202]

—*Tirmizi, Ibn Majah.*

عن عكرمة عن ابن عباس قال قال رسول الله صلعم من وجدتموه يعمل عمل قوم لوط فاقتلوا الفاعل والمفعول به * (الترمذي وابن ماجة)

107. **Ibn Abbas** reported that the Ms. of Allah said: Whoso

عن ابن عباس قال قال رسول الله

1202. People at the time of Prophet Lot were engrossed in coming to males with lust for sexual pleasure. Imam Malek, Ahmad and Shafeyi followed this tradition. Imam Abu Hanifa does not include it within the ordained crimes. He left it in the discretion of the judges.

comes to an animal (with lust), kill him and kill it with him. It was questioned to Ibn Abbas: What is the fault of the beast? He replied: I have not heard anything about it from the Prophet, but I saw him disliking to take its meat and to get any benefit therefrom while he did that with it.[1203]
—*Tirmizi, Abu Daud, Ibn Majah.*

صلعم من أتى بهيمة فاقتلوه واقتلوها
معه قيل لابن عباس ما شأن البهيمة
قال ما سمعت من رسول الله صلعم
في ذلك شيئا ولكن أراه كره أن
يؤكل لحمها أو ينتفع بها وقد فعل
بها ذلك *
(الترمذي وابوداود وابن ماجة)

108. **Jaber** reported that the Ms. of Allah said: Verily the most fearful of what I fear over my people is the action of the people of Lot. —*Tirmizi, Ibn Majah.*

عن جابر قال قال رسول الله صلعم
ان أخوف ما أخاف على أمتي عمل
لوط * (الترمذي وابن ماجة)

109. **Ibn Abbas** reported that a man of Banu Bakr b-Lais came to the Prophet and confessed four times that he committed adultery with a woman. He inflicted him 100 stripes, and she was a virgin. Afterwards he demanded his proof against the woman. She said: He has spoken falsehood, by Allah, O Ms. of Allah. So he was inflicted the sentence of slander. —*Abu Daud.*

عن ابن عباس أن رجلا من بني
بكر بن ليث أتى النبي صلعم فاقر
أنه زنى بامرأة أربع مرات فجلده
مائة وكان بكرا ثم سأله البينة على
المرأة فقالت كذب والله يا رسول الله
فجلد حد الفرية * (ابوداود)

110. **Ayesha** reported: When my excuse was revealed[1204]

عن عائشة قالت لما نزل عذري

1203. All the four Imams are unanimous on the point that such guilty man shall not be killed and that a lesser punishment shall be meted out to him. The killing has been mentioned here by way of threat. The animal, however, shall be killed.

1204. My excuse was revealed means that the verse clearing me of blasphemy and proving my innocence was revealed. Some people attributed the sin of adultery to

the Holy Prophet took his stand on the pulpit and proclaimed it. When he came down from the pulpit, he passed order on the two men and the woman. So they were given the prescribed sentence.

—*Abu Daud.*

قَامَ النَّبِيُّ صلعم عَلَى الْمِنْبَرِ فَذَكَرَ ذَلِكَ فَلَمَّا نَزَلَ مِنَ الْمِنْبَرِ أَمَرَ بِالرَّجُلَيْنِ وَالْمَرْأَةِ فَضُرِبُوا حَدَّهُمْ * (ابوداود)

111. Nafe' reported that Safiyah-bn-Abu Obaid informed him that a slave out of the slaves of the Estate committed adultery with a slave-girl belonging to the fifth portion (of booty). He forced her till he broke off (the veil of virginity). Omar flogged him and he did not flog her on account of the fact that he forced her.

—*Bukhari.*

عَنْ نَافِعٍ أَنَّ صَفِيَّةَ بِنْتَ أَبِي عُبَيْدٍ أَخْبَرَتْهُ أَنَّ عَبْدًا مِنْ رَقِيقِ الإِمَارَةِ وَقَعَ عَلَى وَلِيدَةٍ مِنَ الْخُمُسِ فَاسْتَكْرَهَهَا حَتَّى اقْتَضَّهَا فَجَلَدَهُ عُمَرُ وَلَمْ يَجْلِدْهَا مِنْ أَجْلِ أَنَّهُ اسْتَكْرَهَهَا * (الْبُخَارِيُّ)

112. Ibn Abbas and Abu Hurairah reported that the Ms. of Allah said: The Almighty and Glorious Allah will not look at a man who comes to a man (with lust), or to a woman from her back.

—*Tirmizi* (*Rare*).

عَنِ ابْنِ عَبَّاسٍ وَأَبُو هُرَيْرَةَ قَالَا أَنَّ رَسُولَ اللهِ صلعم قَالَ لَا يَنْظُرُ اللهُ عَزَّ وَجَلَّ إِلَى رَجُلٍ أَتَى رَجُلًا أَوِ امْرَأَةً فِي دُبُرِهَا * التِّرْمِذِيُّ (غَرِيبٌ)

113. Same reported that he said: Whoso comes to an animal (with lust), there is no ordained sentence on him.[1205]

—*Tirmizi, Abu Daud.*

عَنْهُ أَنَّهُ قَالَ مَنْ أَتَى بَهِيمَةً فَلَا حَدَّ عَلَيْهِ * (التِّرْمِذِيُّ وَابوداود)

Hazrat Ayeshah. At this, the Holy Prophet was doubtful about her chastity. Thereafter Allah sent down revelation clearing Ayesha of all doubts and charges. The two men who were flogged 80 times for slander were Mustah and Hasan-b-Sabet and the woman was Hamnah-b-Hajarh.

1205. Tirmizi reported from Sufyan-as-Saori that he said that this tradition on

114. Obadah-b-Swamet reported that the Ms. of Allah said: Enforce the ordained sentences of Allah among near and distant (relatives), and no slander of a slanderer should overtake you.[1206] —*Ibn Majah.*

عن عبادة بن الصامت قال قال رسول الله صلعم اقيموا حدود الله في القريب و البعيد ولا تأخذكم في الله لومة لائم * (ابن ماجة)

115. Ibn Omar reported that the Ms. of Allah said: To establish an ordained sentence out of the ordained sentences of Allah is better than rain for 40 nights in the cities of Allah. —*IbnMajah, Nisai from Abu Hurairah.*

عن ابن عمر ان رسول الله صلعم قال اقامة حد من حدود الله خير من مطر اربعين ليلة في بلاد الله * (ابن ماجة والنسائي عن ابي هريرة)

116. Yezid-b-Nuaim-b-Hajjal from his father reported that Ma'ez-b-Malek was an orphan in the care of my father. He committed adultery with a slave-girl of the tribe. My father said to him: Come to the Ms. of Allah and inform him what you have done, so that he may forgive you; and verily he is intending that, hoping that some way will be found for him. He came to him and said: O Ms. of Allah, verily I have committed adultery, so establish on me the ordinance

عن يزيد بن نعيم بن هزال عن ابيه قال كان ماعز بن مالك يتيما في حجر ابي فاصاب جارية من الحي فقال له ابي ائت رسول الله صلعم فاخبره بما صنعت لعله يستغفر لك وانما يريد بذلك رجاء ان يكون له مخرجا فاتاه فقال يا رسول الله اني زنيت فاقم علي كتاب الله فاعرض عنه

the subject is more correct than the previous ones (25:106, 107) and was followed by the learned men.

1206. Near and distant means either near and distant relations, or the strong and the weak or near and distant places. This appeal of the Prophet about enforcing this rigorous law of adultery, if followed in modern times, would have solved the problem of women protection.

of Allah. He turned away from him and then he came and said: O Ms. of Allah, verily I have committed adultery, enforce the ordinance of Allah upon me, till he uttered it four times. Then the Ms. of Allah said: Verily you have uttered it four times; then with whom (you committed)? He said: With so and so. He asked: Have you had sexual intercourse with her? 'Yes' said he. He asked: Have you penetrated unto her? 'Yes' said he. He asked: Have you cohabited with her? 'Yes' said he. Then he passed order to stone him to death. He was taken out in a field. When he was being stoned, and he perceived the touch of stone, he became perturbed and went out running. Abdullah-b-Onais met him and his companions overtook him. A bone of a camel was taken for him and he beat him therewith and killed him. Afterwards he came to the Prophet and narrated that to him. He said: Why have you not let him off, so that he might have repented and Allah also have accepted it? —*Abu Daud.*

فعاد فقال يا رسول الله اني زنيت فاقم علي كتاب الله حتى قالها اربع مرات فقال رسول الله صلعم انك قد قلتها اربع مرات فبمن قال بفلانة قال هل جامعتها قال نعم قال هل باشرتها قال نعم قال هل جامعتها قال نعم فامر به ان يرجم فاخرج به الى الحرة فلما رجم فوجد مس الحجارة فجزع فخرج يشتد فلقيه عبد الله بن انيس وقد عجز اصحابه فنزع له بوظيف بعير فرماه به فقتله ثم اتى النبي صلعم فذكر ذالك له فقال هلا تركتموه لعله ان يتوب فيتوب الله عليه *

(ابوداود)

117. Mugirah reported that Sa'ad-b-Obadah said: Had I found a man with my wife, I

عن المغيرة قال قال سعد بن عبادة لو رايت رجلا مع امراتي لضربته

would have killed him with sword with its blunt side. This reached the Prophet of Allah who said: Do you wonder at the wrath of Sa'ad? By Allah, I have got certainly more wrath than him, and Allah has got more wrath than me. And on account of Allah's wrath, He prohibited indecencies of what is open and what is hidden. There is none to whom an excuse is more liking than to Allah. On account of this, He sent warners and bearers of good news. And there is none to whom praise is more due than Allah. On account of this, Allah has promised Paradise.

—*Agreed.*

بِالسَّيْفِ غَيْرَ مُصْفِحٍ فَبَلَغَ ذَلِكَ رَسُولَ اللهِ صلعم فَقَالَ أَتَعْجَبُونَ مِنْ غَيْرَةِ سَعْدٍ وَاللهِ لَأَنَا أَغْيَرُ مِنْهُ وَاللهُ أَغْيَرُ مِنِّي وَمِنْ أَجْلِ غَيْرَةِ اللهِ حَرَّمَ اللهُ الْفَوَاحِشَ مَا ظَهَرَ مِنْهَا وَمَا بَطَنَ وَلَا أَحَدَ أَحَبُّ إِلَيْهِ الْعُذْرُ مِنَ اللهِ مِنْ أَجْلِ ذَلِكَ بَعَثَ الْمُنْذِرِينَ وَالْمُبَشِّرِينَ وَلَا أَحَدَ أَحَبُّ إِلَيْهِ الْمِدْحَةُ مِنَ اللهِ وَمِنْ أَجْلِ ذَلِكَ وَعَدَ اللهُ الْجَنَّةَ * (مُتَّفَقٌ عَلَيْهِ)

118. **Abu Hurairah** reported that the Prophet said: Verily the Almighty Allah has got wrath, and the believers also has got wrath. The wrath of Allah is that the believer should not commit what Allah has made unlawful. —*Agreed.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم إِنَّ اللهَ تَعَالَى يَغَارُ وَإِنَّ الْمُؤْمِنَ يَغَارُ وَغَيْرَةُ اللهِ أَنْ لَا يَأْتِيَ الْمُؤْمِنُ مَا حَرَّمَ اللهُ * (مُتَّفَقٌ عَلَيْهِ)

119. **Abu Hurairah** reported that an Aslami came to the Prophet and bore witness four times against himself that he hadcommitted adultery with a woman. Every time he turned away from him. Then he came in front at the fifth time. Whereupon he said:

عَنْ أَبِي هُرَيْرَةَ قَالَ جَاءَ الْأَسْلَمِيُّ إِلَى نَبِيِّ اللهِ صلعم فَشَهِدَ عَلَى نَفْسِهِ أَنَّهُ أَصَابَ امْرَأَةً حَرَامًا أَرْبَعَ مَرَّاتٍ كُلَّ ذَلِكَ يُعْرِضُ عَنْهُ فَأَقْبَلَ فِي الْخَامِسَةِ فَقَالَ

Have you cohabited with her? 'Yes' said he. He enquired—till it penetrated from you unto that in her? 'Yes' said he. He asked: Just as a bodkin enters unto a pot of collyrium or a bucket unto a well? 'Yes' said he. He enquired: Do you know—what is fornication? 'Yes' said he, 'I committed unlawful thing with her—that which a husband does lawfully with his wife. He enquired: What do you intend by this saying? He said: I wish that you should make me pure. Then he passed order about him and he was stoned to death. The Holy Prophet heard two of his companions say—one of the two to his friend—Look to this man whom Allah kept concealed. His soul did not leave him till he was stoned to death the stoning to death of a dog. He remained silent from them and afterwards walked for an hour till he passed by the carcass of an ass with its swollen legs. He asked: Where is so and so? He said: We are the two, O Ms. of Allah. He said: Get down and eat the carcass of this ass. He said: O Prophet of Allah, who will eat this? He said: What you just now gained from

أَنِكْتَهَا قَالَ نَعَمْ قَالَ حَتَّى غَابَ ذَلِكَ
مِنْكَ فِي ذَلِكَ مِنْهَا قَالَ نَعَمْ قَالَ كَمَا يَغِيبُ
الْمِرْوَدُ فِي الْمُكْحُلَةِ وَالرِّشَاءُ فِي الْبِئْرِ قَالَ
نَعَمْ قَالَ هَلْ تَدْرِي مَا الزِّنَا قَالَ نَعَمْ
أَتَيْتُ مِنْهَا حَرَامًا مَا يَأْتِي الرَّجُلُ مِنْ
أَهْلِهِ حَلَالًا قَالَ فَمَا تُرِيدُ بِهَذَا الْقَوْلِ قَالَ
أُرِيدُ أَنْ تُطَهِّرَنِي فَأَمَرَ بِهِ فَرُجِمَ فَسَمِعَ
نَبِيُّ اللهِ صلعم رَجُلَيْنِ مِنْ أَصْحَابِهِ يَقُولُ
أَحَدُهُمَا لِصَاحِبِهِ أُنْظُرْ إِلَى هَذَا الَّذِي
سَتَرَ اللهُ عَلَيْهِ فَلَمْ تَدَعْهُ نَفْسُهُ حَتَّى رُجِمَ
رَجْمَ الْكَلْبِ فَسَكَتَ عَنْهُمَا ثُمَّ سَارَ سَاعَةً
مَرَّ بِجِيفَةِ حِمَارٍ شَائِلٍ بِرِجْلِهِ فَقَالَ أَيْنَ
فُلَانٌ وَفُلَانٌ فَقَالَ نَحْنُ ذَانِ يَا رَسُولَ اللهِ
فَقَالَ انْزِلَا فَكُلَا مِنْ جِيفَةِ هَذَا الْحِمَارِ
فَقَالَ يَا نَبِيَّ اللهِ مَنْ يَأْكُلُ مِنْ هَذَا
قَالَ فَمَا نِلْتُمَا مِنْ عِرْضِ أَخِيكُمَا آنِفًا

the honour of your brother is more hienous than to devour it? By One is whose hand there is my life, he is certainly now in the rivers of Paradise being immerged therein.[1207] —*Abu Daud.*

أشد من أكل منه والذي نفسي بيده إنه الآن لفي أنهار الجنة ينغمس فيها *

(أبو داود)

120. **Abu Hurairah** reported that Sa'ad-b-Ubadah said: Had I found a man with my wife, I would not have touched him till I would have brought four witnesses. 'Yes' said the Prophet. He said: Never, by One who sent you with truth, I would have certainly hastened to kill him before that (proof). The Ms. of Allah said: Hear what your chief says that he (Sa'ad) is too enraged, I am more enraged than him and Allah is more enraged than me.[1208] —*Muslim.*

عن أبي هريرة قال قال سعد بن عبادة لو وجدت مع أهلي رجلا لم أمسه حتى آتي بأربعة شهداء قال رسول الله صلعم نعم قال كلا والذي بعثك بالحق إن كنت لأعاجله بالسيف قبل ذلك قال رسول الله صلعم اسمعوا إلى ما يقول سيدكم إنه لغيور وأنا أغير منه والله أغير مني * (مسلم)

347w. **Sayeed-b-Sa'ad** reported that Sa'ad-b-Ubadah came to the Prophet with a man who was diseased and emaciated among the tribesmen. He was detected in adultery with a slave-girl out of their slave-girls. Then the Holy Prophet said: Take for him one bunch wherein there are 100 lashes and beat him once. —*Sharhi Sunnat.*

عن سعيد بن سعد قال إن سعد بن عبادة إن سعد بن عبادة أتى النبي صلعم برجل كان في الحي مخدج سقيم فوجد على أمة من إمائهم يخبث بها فقال النبي صلعم خذوا له عثكالا فيه مائة شمراخ فاضربوه ضربة *

(شرح السنة)

1207. The Quran refers to this in verse 49:12Q.

1208. This is anger against untruth.

348w. Amr-b-al-As reported: I heard the Ms. of Allah say: There is no people among whom adultery becomes wide-spread but are overtaken with famine, and there is no people among whom bribery becomes wide-spread but are overtaken with fear. —*Ahmad.*

عن عمرو بن العاص قال سمعت رسول الله صلعم يقول ما من قوم يظهر فيهم الزنا الا اخذوا بالسنة وما من قوم يظهر فيهم الرشا الا اخذوا بالرعب * (احمد)

349w. Ibn Abbas and Abu Hurairah reported that the Ms. of Allah said: Cursed is he who commits the action of the people of Lot. *Razin* narrated it. In a narration from *Ibn Abbas* by him—Ali burnt them both and Abu Bakr threw a wall upon them.[1209]

عن ابن عباس وابي هريرة ان رسول الله صلعم قال ملعون من عمل عمل قوم لوط رواه رزين وفي رواية له عن ابن عباس ان عليا احرقهما وابا بكر هدم عليهما حائطا *

SECTION 11

1210. Theft.

Theft deprives a man of one's hard-earned money and property. Therefore it is an encroachment upon the property of a man without any justifiable reason and causes unrest in a society. Thieves are a menance to peaceful society and are looked upon with terror. With a view to put them under guard, stricter measure has been ordained. The Quran says—And as for the man who steals and the woman who steals cut off their hands as a punishment for what they have done, an exemplary punishment from Allah; and Allah is Mighty, Wise. But whoso repents after his transgression and reforms himself, Allah will turn to him mercifully, for Allah is Forgiving, Merciful—5:38, 39Q. If theft is committed

1209 In case a man is found cohabiting with another's wife, the first can lawfully be killed according to the majority of learned jurists provided the case is proved by four witnesses. If it is not proved, there is no killing.

for the second time, the second hand shall be cut off, and if for the third time, one leg shall be cut off, and if for the fourth time the other leg shall be cut off (25:127). Theft which calls for cutting shall be in relation to such property which is in careful protection of a man. According to Imam Abu Hanifa, theft of 10 dirhams (approximately Rs. 2/8/-) or its equivalent property calls for cutting, but according to Imam Shafeyi theft of ¼th of a dinar or 3 dirhams (nearly 12 as) or its equivalent property calls for cutting. In the light of the present day civilization, cutting of bodily lims for crimes appears both barbarous and cruel. Owing to this notion, the records of thieves and dacoits are growing in number and no amount of police vigilance can check crimes of thefts and burglaries. It is satisfactory to note that owing to this extreme punishment there is practically a stop to these crimes in countries governed by the law of Islam specially in Arabia. If a criminal dares to commit such crimes repeatedly, he becomes dangerous to the society and as such Islam deprives him of his bodily limbs so that he may not move and repeat such crimes.

No cutting. There is no cutting of hand in case of thefts in the houses of relatives within prohibited degrees, nor for theft committed in a journey, expedition or holy war—(25:127), nor nor theft committed by a servant or slave—25:133, 353w ; nor for criminal misappropiation ;—25:127 ; nor theft committed by a marauder or dacoit (25:126).

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121. Ayesha reported from the Holy Prophet who said: The hand of a thief shall not be cut off except for ¼th of a dinar and upwards. —*Agreed.*

عن عائشة عن النبي صلعم قال لا تقطع يد السارق الا بربع دينار فصاعدا *
(متفق عليه)

122. Ibn Omar reported that the Prophet cut off the hand of a thief for a shield, price of which was three dirhams. —*Agreed.*

عن ابن عمر قال قطع النبي صلعم يد سارق في مجن ثمنه ثلثة دراهم *
(متفق عليه)

123. Abu Hurairah reported from the Prophet who said: Allah has cursed the thief who steals an egg, (his hand shall be cut off) and who steals a rope, his hand shall be cut off. [1211]

—*Agreed.*

عَنْ اَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صلعم قَالَ لَعَنَ اللّٰهُ السَّارِقَ يَسْرِقُ الْبَيْضَةَ فَتُقْطَعُ يَدُهُ وَيَسْرِقُ الْحَبْلَ فَتُقْطَعُ يَدُهُ * (مُتَّفَقٌ عَلَيْهِ)

124. Rafe'-b-Khadiz reported from the Prophet who said: There is no cutting in ripe fruits and white dates.

—*Malek, Tirmizi, Abu Daud, Nisai.*

عَنْ رَافِعِ بْنِ خَدِيْجٍ عَنِ النَّبِيِّ صلعم قَالَ لَاقَطْعَ فِيْ ثَمَرٍ وَلَا كَثَرٍ * (مَالِكٌ وَالتِّرْمِذِيُّ وَ اَبُوْدَاوُدَ وَالنَّسَائِيُّ)

125. Amr-b-Shuaib reported that the Messenger of Allah was asked about hanging fruit. He replied: Whoever steals anything therefrom after it is protected by a fencing and it reaches the value of a shield, there is cutting upon him.

—*Abu Daud, Nisai.*

عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ رَسُوْلِ اللّٰهِ اَنَّهُ سُئِلَ عَنِ الثَّمَرِ الْمُعَلَّقِ قَالَ مَنْ سَرَقَ مِنْهُ شَيْئًا بَعْدَ اَنْ يُؤْوِيَهُ الْجَرِيْنُ فَبَلَغَ ثَمَنَ الْمِجَنِّ فَعَلَيْهِ الْقَطْعُ * (اَبُوْدَاوُدَ وَالنَّسَائِيُّ)

126. Jaber reported that the Prophet said: There is no cutting upon a marauder. Whoso commits a wide-spread riot, is not of us. [1212]

—*Abu Daud.*

عَنْ جَابِرٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم لَيْسَ عَلَى الْمُنْتَهِبِ قَطْعٌ وَمَنِ انْتَهَبَ نُهْبَةً مَشْهُوْرَةً فَلَيْسَ مِنَّا * (اَبُوْدَاوُدَ)

127. Same reported that the Prophet said: There is no cutting

عَنْهُ عَنِ النَّبِيِّ صلعم قَالَ لَيْسَ

1211. It appears that for less than ¼th. of a dinar, the hand of a thief has been ordered to be cut off. It is however explained by saying that egg or rope referred here was not less in value than the fixed standard. Some however say that this was prevalent at the beginning of Islam before the verse of cutting was revealed.

1212. Fruits meant here are fruits of trees. Imam Abu Hanifa applies this principle

over a treacherous man, or arioter or one who causes dislocation of hand.[1218] —*Tirmizi, Nisai, Ibn Majah and Darimi* narrated it. And he narrated in *Sharhi Sunnat* that Safwan-b-Umayyah came to Medina and slept in the mosque and prepared his sheet as pillow. Then a thief came and stole his sheet. Safwan overtook him and came with him to the Ms. of Allah. He passed order for cutting off his hand. Safwan said: I did not wish this. It is a charity for him. Then the Ms. of Allah said: Why did you (not tell him) before you came with him? *Ibn Majah narrated like it from Abdullah -b-Safwan, and Darimi from Ibn Abbas.*

عَلَى خَائِنٍ وَلَا مُنْتَهِبٍ وَلَا مُخْتَلِسٍ قَطْعٌ
رَوَاهُ التِّرْمِذِيُّ وَالنَّسَائِيُّ وَابْنُ مَاجَةَ
وَالدَّارِمِيُّ وَرَوَى فِي شَرْحِ السُّنَّةِ أَنَّ
صَفْوَانَ بْنَ أُمَيَّةَ قَدِمَ الْمَدِينَةَ فَنَامَ فِي
الْمَسْجِدِ وَتَوَسَّدَ رِدَاءَهُ فَجَاءَ سَارِقٌ وَأَخَذَ
رِدَاءَهُ فَأَخَذَهُ صَفْوَانُ فَجَاءَ بِهِ إِلَى رَسُولِ
اللهِ صلعم فَأَمَرَ أَنْ تُقْطَعَ يَدُهُ فَقَالَ
صَفْوَانُ إِنِّي لَمْ أُرِدْ هَذَا هُوَ عَلَيْهِ صَدَقَةٌ
فَقَالَ رَسُولُ اللهِ صلعم فَهَلَّا قَبْلَ أَنْ تَأْتِيَنِي
بِهِ وَرَوَى نَحْوَهُ ابْنُ مَاجَةَ عَنْ عَبْدِ اللهِ
بْنِ صَفْوَانَ وَالدَّارِمِيُّ عَنِ ابْنِ عَبَّاسٍ -

128. **Busr-b-Artah** reported: I heard the Ms of Allah say: Hand shall not be cut off in Jihad. —*Tirmizi, Darimi, Abu Daud, Nisai.*

عَنْ بُسْرِ بْنِ أَرْطَاةَ قَالَ سَمِعْتُ رَسُولَ
اللهِ صلعم يَقُولُ لَا تُقْطَعُ الْأَيْدِي فِي الْغَزْوِ
(التِّرْمِذِيُّ وَالدَّارِمِيُّ وَأَبُو دَاوُدَ وَالنَّسَائِيُّ)

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in case of milk, meat and other food stuffs which are liable to speedy damage. He also holds that for such negligible things as grass, fruits, fish, oil, salt and other things, there shall be no cutting. If the stolen property is given as a gift by the owner subsequent to theft, the hand of the thief shall not be cut off. Contrary is the opinion of Imam Shafeyi and Ahmad.

1218. Imam Shafeyi acts up to this tradition. Imam Abu Hanifa holds, however,

129. **Jaber** reported that a thief was brought to the Prophet. He said: Cut him (his hand). And then it was cut. He was brought for the second time. He said: Cut him (his hand). Then it was cut off. Afterwards he was brought for the third time. He said: Cut him (his leg). And then it was cut off. Afterwards he was brought for the fourth time. He said: Cut him (his leg) and then it was cut off. He was then brought for the fifth time. He said: Kill him. So we took and killed him. Afterwards we dragged him and threw him in to a well and threw stones over him [1214]

—*Abu Daud, Nisai.*

عن جابر قال جيء بسارق إلى النبي صلعم قال اقطعوه فقطع ثم جيء به الثانية فقال اقطعوه فقطع ثم جيء به الثالثة فقال اقطعوه فقطع ثم جيء به الرابعة فقال اقطعوه فقطع فأتي به الخامسة فقال اقتلوه فانطلقنا به فقتلناه ثم اجتررناه فألقيناه في بئر ورمينا عليه الحجارة * (أبوداود والنسائي)

130. **Fuzalah-b-Obaid** reported that a thief was brought to the Prophet and his hand was cut off. Afterwards he passed order about it, and it was hung up in his neck. —*Tirmizi, Abu Daud, Nisai, Ibn Majah.*

عن فضالة بن عبيد قال أتي رسول الله صلعم بسارق فقطعت يده ثم أمر بها فعلقت في عنقه * (الترمذي وأبوداود والنسائي وابن ماجة)

131. **Abu-Omayyah al Makhjumi** reported that a burglar

عن أبي أمية المخزومي أن النبي

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that for a theft for the third time, the thief shall be imprisoned till he dies or makes full repentance. It is said that the companions also are unanimous in this matter as above.

1214. Kitabi says that this tradition has been abrogated by the traditions (25:43,79) stating that except for three things, murder, fornication and apostacy, killing is unlawful. Some say that the thief was renegade or creator of dissension in the world. Murder may also be meted out from a political point of view.

was brought before the Holy Prophet. He made a confession, but no property was found with him. Then the Ms. of Allah asked; What property of yours have you stolen? He said: 'Yes'! He repeated it twice or thrice every time making confession. Then he passed order about him and he was cut off (hand). Then he was brought and the Ms. of Allah said to him: Seek forgiveness to Allah and make repentance to Him. He said: I seek forgiveness of Allah and make repentance to Him. Then the Messenger of Allah said thrice: O Allah, return to him.

—*Abu Daud, Nisai, Ibn Majah.*

صلعم أُتِيَ بِلِصٍّ قَدِ اعْتَرَفَ اعْتِرَافًا وَلَمْ يُوجَدْ مَعَهُ مَتَاعٌ فَقَالَ لَهُ رَسُولُ اللهِ صلعم مَا إِخَالُكَ سَرَقْتَ قَالَ بَلَى فَأَعَادَ عَلَيْهِ مَرَّتَيْنِ أَوْ ثَلَاثًا كُلُّ ذَلِكَ يَعْتَرِفُ فَأَمَرَ بِهِ فَقُطِعَ وَجِيءَ بِهِ فَقَالَ لَهُ رَسُولُ اللهِ صلعم اسْتَغْفِرِ اللهَ وَتُبْ إِلَيْهِ فَقَالَ أَسْتَغْفِرُ اللهَ وَأَتُوبُ إِلَيْهِ فَقَالَ رَسُولُ اللهِ صلعم اللَّهُمَّ تُبْ عَلَيْهِ ثَلَاثًا *

(أَبُودَاوُدَ وَالنَّسَائِيُّ وَابْنُ مَاجَةَ)

132. **Abu Hurairah** reported that the Ms. of Allah said: Jesus, son of Mary, saw a man committing theft. Jesus, son of Mary, asked him: Have you committed theft? He said: Never; by One who has got no deity but He. Jesus said: I believe in Allah and I have falsified myself. —*Muslim.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم رَأَى عِيسَى ابْنُ مَرْيَمَ رَجُلًا يَسْرِقُ فَقَالَ لَهُ عِيسَى ابْنُ مَرْيَمَ سَرَقْتَ قَالَ كَلَّا وَالَّذِي لَا إِلَهَ إِلَّا هُوَ فَقَالَ عِيسَى آمَنْتُ بِاللهِ وَكَذَّبْتُ نَفْسِي * (مُسْلِمٌ)

133. **Abu Hurairah** reported that the Prophet said: When a slave steals, sell him though for a 'nash'. [1115]

—*Abu Daud, Nisai, Ibn Majah.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم إِذَا سَرَقَ الْمَمْلُوكُ فَبِعْهُ وَلَوْ بِنَشٍّ .

(أَبُودَاوُدَ وَالنَّسَائِيُّ وَابْنُ مَاجَةَ)

1115. Nash' is equivalent to 20 dirhams. According to Imams Malek, Shafeyi

134. **Ayesha** reported that a thief was brought to the Ms. of Allah. He cut him off (his hand). They said: We did not consider that you would take this measure about him. He said: Had she been Fatimah, I would have certainly cut off her (hand) [1216] —*Nisai*

عن عائشة قالت أتي رسول الله صلعم بسارق فقطعه فقالوا ما كنا نراك تبلغ به هذا قال لو كانت فاطمة لقطعتها * (النسائي)

135. **Abu Zarr** reported that the Ms. of Allah told me: O Abu Zarr. I said: Present to thy service, O Ms. of Allah, and fortune to thee. He said: How shall you be when death will overtake men, [1217] and a house (meaning grave) will be acquired in exchange of a slave. I replied: Allah and His Messenger know best. He said: You should take to patience. Hammad-b-Abi Solaiman said: The hand of one who steals coffin-cloth will be cut off, because he entered the house of the deceased.

—*Abu Daud.*

عن أبي ذر قال لي رسول الله صلعم يا أبا ذر قلت لبيك يا رسول الله وسعديك قال كيف أنت إذا أصاب الناس موت يكون البيت فيه بالوصيف يعني القبر قلت الله ورسوله أعلم قال عليك بالصبر قال حماد بن أبي سليمان تقطع يد النباش لأنه دخل على الميت بيته * (أبوداود)

350w. **Abdullah-b-Abdur Rahman** reported that the Prophet said: There is no cutting for hanging fruits, or for a

عن عبد الله بن عبد الرحمن أن رسول الله صلعم قال لا قطع في ثمر معلق ولا في حريسة جبل فإذا آواه المراح

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and Ahmad, the hand of a slave thief shall be cut off, but Imam Abu Hanifa holds that in case he steals the things of his master or his mistress, his hand shall not be cut off.

1216. The thief was a relative of the Ms. of Allah. So the people conjectured that he would show kindness to him. As the Holy Prophet was an embodiment of justice, he meted out the same punishment to him like other men. He emphasised also the fact that in doing justice, no discrimiation shall be made between man and man.

1217. 'How shall you be when death will overtake men' means as follows. When

mountainous animal; but when a ladder of ascent and a fencing protect it, then there is cutting for what reaches the value of a shield. —*Malek.*

والجرين فالقطع فيما بلغ ثمن المجن * (مالك)

351w. **Abu Salamah** reported from Abu Hurairah that the Ms. of Allah said about a thief: If he steals, cut off his hand. If he steals again, cut off his leg. If he steals again, cut off his (other) hand. If he steals again, cut off his (other) leg. —*Sharhi Sunnat.*

عن ابي سلمة عن ابي هريرة ان رسول الله صلعم قال في السارق ان سرق فاقطعوا يده ثم ان سرق فاقطعوا رجله ثم ان سرق فاقطعوا يده ثم ان سرق فاقطعوا رجله * (شرح السنة)

352w. **Ibn Omar** reported that a man came to Omar with his slave. He said: Cut off his hand as he has stolen the mirror of my wife. Omar said: There is no cutting over him and he is your servant; he has taken your property. —*Malek.*

عن ابن عمر قال جاء رجل الى عمر بغلام له فقال اقطع يده فانه سرق مراة لامرأتي فقال عمر لا قطع عليه وهو خادمكم اخذ متاعكم * (مالك)

SECTION 12

1218. Sentence of Wine-drinking.

Wine-drinking was prohibited when the Holy Prophet migrated to Medina. The punishment of drinking wine was not prescribed by the Holy Quran. It is only in Hadis that it is found. In the hadis also, there is no definite sentence ordained for this crime. It varies according to the nature of offence, and the degree of

plague, cholera, small-pox and other serious infectious diseases will break out and death-roles will be high, how men should conduct themselves, whether they should flee away or stay where they will happen to be. Deaths will increase so much that the land for a grave will be dearer than the price of a slave. Regarding a thief stealing a coffin (cloth), Imam Abu Hanifa says that his hands shall not be cut off. The three Imam hold to the contrary.

intoxication and public nuisance created therefor and the recurring habit of drinking. The sentence was sometimes in the form of mild rebuke and sound advice—25:139. Even the drunkard was sometimes let off with no punishment when he was truly repentant of what he had done with a future promise of not doing the same thing again—25:137. In almost all cases of wine-drinking, the Holy Prophet's order of sentence was beating with shoes, sticks and hands—25:136,137. This was generally followed during his time and the Khilafat of Abu Bakr, and of Omar in its early part. In case of grave nature where the degree of intoxication was greatest and there was disturbance of public peace, a penalty of 40 to 80 stripes was inflicted—25:137. This was resorted to in rare cases. In cases where wine-drinking was attended with adultery and fornication, the highest punishment of death or of 100 stripes was meted out to him according to the law of adultery. The highest number of stripes used to be inflicted on habitual drunkards who could not turn away from drinking was 80 stripes. The sin of wine-drinking and specially of habitual drinking is great and its punishment on the Resurrection Day has been noted in the next section. During the latter part of Hazrat Omar's reign, the general law was to inflict 40 to 80 stripes on the drunkards—25:137.

Punishment is not to be inflicted during intoxication, as the object of punishment in the form of reformation is frustrated in that case. It is only when he recovers and gains intellect that the sentence should be executed. In order to prove the offence, two competent witnesses or one confession is necessary.

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136. Anas reported that the Holy Prophet beat with staff and shoes for wine-drinking; and Abu Bakr inflicted 40 stripes. In a narration of his from the Prophet: He used to beat for wine-drinking 40 stripes with shoes and stick. —*Agreed.*

عَنْ أَنَسٍ أَنَّ النَّبِيَّ صلعم ضَرَبَ فِي الْخَمْرِ بِالْجَرِيدِ وَالنِّعَالِ وَجَلَدَ أَبُو بَكْرٍ أَرْبَعِيْنَ وَفِي رِوَايَةٍ عَنْهُ عَنِ النَّبِيِّ صلعم كَانَ يَضْرِبُ فِي الْخَمْرِ بِالنِّعَالِ وَالْجَرِيدِ أَرْبَعِيْنَ * (مُتَّفَقٌ عَلَيْهِ)

137. **Sayeb-b-Yezid** reported that a drunkard was to be arrested during the time of the Ms. of Allah, during the rule of Abu Bakr and at the beginning of the Caliphate of Omar, and we used to beat him with our hands, shoes and sheets, till (when) it was the end of the rule of Omar, he inflicted 40 stripes; till when they rebelled and transgressed, he inflicted 80 stripes. —*Bukhari.*

عن السائب بن يزيد قال كان يؤتى بالشارب على عهد رسول الله صلعم وامرة ابي بكر وصدرا من خلافة عمر فنقوم عليه بايدينا ونعالنا وارديتنا حتى كان آخر امرة عمر فجلد اربعين حتى اذا عتوا وفسقوا جلد ثمانين * (البخاري)

138. **Ja'ber** reported that the Prophet said: Whoso drinks wine, whip him. If he repeats for the fourth time, kill him. He said: A man was afterwards brought to the Prophet who drank wine for the fourth time. He beat him but did not kill him. —*Tirmizi, Abu Daud from Qabisah.*

عن جابر عن النبي صلعم قال ان من شرب الخمر فاجلدوه فان عاد في الرابعة فاقتلوه قال ثم اتي النبي صلعم بعد ذلك برجل قد شرب في الرابعة فضربه ولم يقتله ـ (الترمذي وابوداود عن قبيصة)

139. **Abdur-Rahman-b-Azher** reported: As if I am looking to the Ms. of Allah, when lo! a man who has just drunk wine was brought. He said to the people: Beat him. There were some of them who beat him with shoes, some who beat with stick, and some who beat him with date branches. (Ibn Wahab says: It means fresh date-stick). Then the Ms. of Allah took dust from the ground and threw it in his face. —*Abu Daud.*

عن عبد الرحمن بن الازهر قال كاني انظر الى رسول الله صلعم اذا اتي برجل قد شرب الخمر فقال للناس اضربوه فمنهم من ضربه بالنعال ومنهم من ضربه بالعصا ومنهم من ضربه بالميتخة قال ابن وهب يعني الجريدة الرطبة ثم اخذ رسول الله صلعم ترابا من الارض فرمى به في وجهه * (ابوداود)

140. **Abu Hurairah** reported that a man who drank wine was brought to the Prophet. **He said :** Beat him. There were some of us who beat him with his hand, and some who beat him with his cloth and some who beat him with his shoe. Afterwards he said : Rebuke him. Then they approached him saying : Why did you not fear Allah ? Why did you not dread Allah ? Why did you not feel ashamed of the Ms. of Allah ? Some one of the people said : May Allah put him to disgrace ! He said : Don't say like this ; don't seek help of the devil for him, but say : O Allah, forgive him and show mercy on him. —*Abu Daud.*

عن ابي هريرة قال ان رسول الله صلعم اتي برجل قد شرب فقال اضربوه فمنا الضارب بيده والضارب بثوبه والضارب بنعله ثم قال بكتوه فاقبلوا عليه يقولون ما اتقيت الله ما خشيت الله وما استحييت من رسول الله فقال بعض القوم اخزاك الله قال لا تقولوا هكذا لا تعينوا عليه الشيطان ولكن قولوا اللهم اغفر له اللهم ارحمه * (ابوداود)

141. **Ibn Abbas** reported that a man drank wine and became intoxicated. He was thrown rolling in the street. He was then taken to the Ms. of Allah. When he came near the house of Abbas, he got off suddenly and went to Abbas and stuck to him (for pleading). That was mentioned to the Prophet who only smiled and said : Has he done this ? He did not pass any order about him. —*Abu Daud.*

عن ابن عباس قال شرب رجل فسكر فلقي يميل في الفج فانطلق به الى رسول الله صلعم فلما حاذى دار العباس انفلت فدخل على العباس فالتزمه فذكر ذلك للنبي صلعم فضحك وقال افعلها ولم يامر فيه بشيء * (ابوداود)

142. Omar-b-Sayeed an Nakheyi reported : I heard Ali-b-Abi-Taleb say : I used not to execute an ordained sentence on

عن عمير بن سعيد النخعي قال سمعت علي بن ابي طالب يقول ما

anybody and then he died but I felt in myself something therefrom except a drunkard; and verily if he died (owing to sentence), I gave him compensation, and that is because the Ms. Allah did not enforce it. —*Agreed.*

كنت لأقيم على أحد حدا فيموت فأجد في نفسي منه شيئا إلا صاحب الخمر فإنه لو مات وديته وذلك أن رسول الله صلعم لم يسنه * (متفق عليه)

143. Omar-b-al-Khattab reported that a man, named Abdullah, was given the title of 'ass'. He used to excite laughter of the Prophet, while he would be giving him floggings for wine-drinking. He was one day brought, and he passed order about him and he was flogged. A man from the people said: O Allah, curse him, How frequently is he brought! Then the Ms. of Allah said: Curse him not; by Allah, I was not aware that he loved Allah and His Messenger. —*Bukhari.*

عن عمر بن الخطاب أن رجلا اسمه عبد الله يلقب حمارا كان يضحك النبي صلعم وكان النبي صلعم قد جلده في الشراب فأتي به يوما فأمر به فجلد فقال رجل من القوم اللهم العنه ما أكثر ما يؤتى به فقال النبي صلعم لا تلعنوه فوالله ما علمت إنه يحب الله ورسوله * (البخاري)

144. Abu Hurairah reported that a man who drank wine was brought before the Prophet. He said: Beat him. There were some of us who beat with his hand and some who beat with his shoes and some with his sheet. When he went away, some one of the people said: May Allah put him to disgrace! He said: Don't say thus; don't seek the help of the devil for him. —*Bukhari.*

عن أبي هريرة قال أتي النبي صلعم برجل قد شرب فقال اضربوه فمنا الضارب بيده والضارب بنعله والضارب بثوبه فلما انصرف قال بعض القوم أخزاك الله قال لا تقولوا هكذا لا تعينوا عليه الشيطان . (البخاري)

353w. Saoreb-b-Zaid Al-Dailami reported that Omar held consultation about the ordained sentence of wine-drinking. Ali said to him: My decision is that you should flog them 80 times; and verily when he drinks, he becomes intoxicated, and when he becomes intoxicated, he muses; and when he muses, he fabricates falsehood. Then Omar flogged him 80 times as the ordained sentence of wine-drinking. —*Malek.*

عن ثور بن زيد الديلمي قال ان عمر استشار في حد الخمر فقال له علي اري ان تجلده ثمانين جلدة فانه اذا شرب سكر و اذا سكر هذى و اذا هذى افترى فجلد عمر في حد الخمر ثمانين - (مالك)

SECTION 13

1219. Wine.

(a) **Prohibition:** Wine-drinking has been declared unlawful by the Holy Quran and Hadis. While the Holy Prophet was at Mecca, it was not strictly prohibited. It was only deprecated at that time as the verse shows; O you who believe! don't go near prayer when you are intoxicated until you know what you say—4:43Q. Thereafter the verse definitely prohibiting wine-drinking was revealed. It runs thus; O you who believe! intoxicants... are only an uncleanliness, the devil's work; shun it therefore that you may be successful—5:90Q. On the day when the prohibition was proclaimed, the lanes and streets of Medina were seen filled up with wine and wine-bottles. Even the very pots and jars in which wine were kept were declared unlawful for a time. This prohibition has been emphasised in traditions (6:177,224w; 34:15,17:28; 33:18), and traditions of this section. Besides drinking, use of wine has also been discouraged. In medicines, wine should be avoided as far as possible (25:162), because wine itself is a disease. It is no excuse that a little quantity of wine does no harm as the Holy Prophet said: That of which a large quantity intoxicates is unlawful in its little quantity—25:155. Cold climate also

is no excuse for wine-drinking—25:161. It appears, however, that in cases when dead-bodies are lawful to save life, wine is also lawful. Trading in wine is also prohibited—25:166.

(b) **Reasons of Prohibition**. There are manifold reasons for prohibition of intoxicating liquors. Wine is injurious from both temporal and spiritual points of view. **Temporal**—(i) It covers intellect and power of discerning right from wrong. There is no act which a man cannot commit when he loses his sense and wisdom. This temporary covering over the intellectual region has got necessary repercussion on mind which can produce many diseases hitherto unknown to a drunkard. (ii) Wine irritates and rouses the bodily limbs, but that is for a very short period. This irritation is inevitably followed by paralysis and complete collapse resulting in major cases in heart failures. Many cases have been reported in medical journals that death by Neumonia were the inevitable results of many habitual drunkards.

(ii) It is also a veritable evil from economic point of view, as it forms a chief source of the drainage of money from the coffers of a drunkard. The Quran deprecates this unnecessary drainage of money by saying: Verily those who spend extravagantly are the brothers of the devils (17:27Q). **Spiritual**—(i) wine is the mother of all sins—29:404w. There is no sin which a drunkard cannot commit when he loses intellect, because he loses his power of control and self-restraint and lets loose the god of Cupid to satisfy his sexual luxury. This is extremely harmful for the onward march of soul towards progress. (ii) It keeps a man off from remembrance of Allah which is the object of man's creation in this world. (iii) It no less contributes to the incitement of enmity and hatred between fellow-beings which are bad both from temporal and spiritual points of views. The Quran supports the above views saying: The devil only desires to cause enmity and hatred to spring up in your midst by means of intoxicants and games of chances, and to keep you off from the remembrance of Allah, and from prayer; will you then desist—5:91Q.

In short, the harms done by wine-drinking are greater than its benefits. The Holy Quran testifies to this assertion in

unequivocal terms and instructs us to follow what stands heavier when good and evil of a thing is measured. The Quran says: They ask you about intoxicants and games of chance. Say: In both of them there is a great sin and means of profit for men, but their sin is greater than their profit—2:219Q.

Punishment in the Next World. There are great many traditions in this and other sections which threaten the drunkards and specially habitual drunkards with punishment in the Next World. A drunkard will drink the impurites of the Hell-dwellers—25:150. His prayer will not be accepted for 40 days from the date of drink—25:154, and his repentance is not usually accepted. He will drink hot water—25:355Q. A habitual drunkard has been condemned even with deprivation of Pradise—25:163, as he is no better than an idol-worshipper by denying Allah's command—24:164.

Other Contents. Card-playing and games of chance are unlawful—25:162; disobedience to parents and a man's encouraging prostitution discouraged—25:163, 354w; Prophet is an universal guide and a mercy—25:355w; severer of blood-tie and a believer in sorcery will get no Paradise—25:356w.

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145. Abu Hurairah reported that the Prophet said: Wine is from these two trees—date and grape-plants.

—*Muslim.*

عَنْ اَبِي هُرَيْرَةَ عَنْ رَسُوْلِ اللّٰهِ صلعم قَالَ الْخَمْرُ مِنْ هَاتَيْنِ الشَّجَرَتَيْنِ النَّخْلَةِ وَ الْعِنَبَةِ * (مُسْلِمٌ)

146. Ibn Omar reported that Omar delivered sermon upon the pulpit of the Ms. of Allah and said: The prohibition of wine has been revealed, and that is made of five things: Grapes, date, wheat, barley and honey; and wine is what covers intellect.

—*Bukhari.*

عَنِ ابْنِ عُمَرَ (رض) قَالَ خَطَبَ عُمَرُ عَلَى مِنْبَرِ رَسُوْلِ اللّٰهِ صلعم فَقَالَ اِنَّهُ قَدْ نَزَلَ تَحْرِيْمُ الْخَمْرِ وَهِيَ مِنْ خَمْسَةِ اَشْيَاءَ الْعِنَبِ وَ التَّمْرِ وَ الْحِنْطَةِ وَ الشَّعِيْرِ وَ الْعَسَلِ وَ الْخَمْرُ مَا خَامَرَ الْعَقْلَ ـ (اَلْبُخَارِيُّ)

147. Anas reported: Wine was prohibited when it was

عَنْ اَنَسٍ قَالَ لَقَدْ حُرِّمَتِ الْخَمْرُ

made unlawful, and we do not find wine of grapes but little, and the common thing of our wine was fresh and dry dates. —*Bukhari.*

حين حرمت وما نجد خمر الأعناب إلا قليلا وعامة خمرنا البسر والتمر * (البخاري)

148. **Ayesha** reported that the Ms. of Allah was asked about Bet'e and it is intoxicating beverage of honey. He said: Verily every drink which intoxicates is unlawful. —*Agreed.*

عن عائشة قالت سئل رسول الله صلعم عن البتع وهو نبيذ العسل فقال كل شراب أسكر فهو حرام ـ (متفق عليه)

149. **Ibn Omar** reported that the Ms. of Allah said: Every intoxicant is wine, and every intoxicant is unlawful. Whoso drinks wine in this world and dies while continuing in it, and does not return penitently, will not get drink in the next world. —*Muslim.*

عن ابن عمر قال قال رسول الله صلعم كل مسكر خمر وكل مسكر حرام ومن شرب الخمر في الدنيا فمات وهو يدمنها لم يتب لم يشربها في الآخرة ـ (مسلم)

150. **Jaber** reported that a man came from Yemen and asked the Prophet about wine of corn called Mizr which they drank in their land. Prophet said: Is it intoxicating? 'Yes' said he. He said: Every intoxicant is unlawful. Verily there is a covenant upon Allah for him who drinks intoxicating drugs that He will give him drink from Tinatul Khabal. They asked: O Ms. of Allah, what is Tinatul Khabal? He said: The sweat of the inmates of the fire or juice (of impurities) of the inmates of the fire. —*Muslim.*

عن جابر أن رجلا قدم من اليمن فسأل النبي صلعم عن شراب يشربونه بأرضهم من الذرة يقال له المزر فقال النبي صلعم أو مسكر هو قال نعم قال كل مسكر حرام إن على الله عهدا لمن يشرب المسكر أن يسقيه من طينة الخبال قالوا يا رسول الله وما طينة الخبال قال عرق أهل النار أو عصارة أهل النار ـ (مسلم)

151. Abu Qatadah reported that the Holy Prophet prohibited the mixing of dry dates and fresh dates and the mixing of dry grapes and dry dates, and the mixing of fresh and green dates. He said: Prepare Nabiz from each separately. —*Muslim.*

عن ابي قتادة ان النبي صلعم نهى عن خليط التمر والبسر وعن خليط الزبيب والتمر وعن خليط الزهو والرطب وقال انتبذوا كل واحد على حدة . (مسلم)

152. Anas reported that the Prophet was asked whether condiment could be prepared from wine. 'No' said he. —*Muslim.*

عن انس ان النبي صلعم سئل عن الخمر تتخذ خلا فقال لا * (مسلم)

153. Wael al-Hazrami reported: Tareq-b-Suwaid asked the Prophet about wine. He prohibited it and said: Verily I prepare it for medicine. He said: It is not medicine but a disease. —*Muslim.*

عن وائل الحضرمي ان طارق ابن سويد سأل النبي صلعم عن الخمر فنهاه فقال انما اصنعها للدواء فقال انه ليس بدواء ولكنه داء * (مسلم)

154. Abdullah b-Omar reported that the Ms. of Allah said: Whoso drinks wine, Allah will not accept his prayer for 40 days. If he makes repentance, Allah also will turn to Him; and if he repeats, Allah will not accept his prayer for 40 days. If he makes repentance, Allah also will turn to him; and if he repeats, Allah will not accept his prayer for 40 days. If he again makes repentance, Allah will turn to him. If he repeats for the fourth time, Allah will not accept his prayer for 40 days. If

عن عبد الله بن عمر قال قال رسول الله صلعم من شرب الخمر لم يقبل الله له صلوة اربعين صباحا فان تاب تاب الله عليه فان عاد لم يقبل الله له صلوة اربعين صباحا فان تاب تاب الله عليه فان عاد لم يقبل الله له صلوة اربعين صباحا فان تاب تاب الله عليه فان عاد الرابعة لم يقبل الله له صلوة اربعين صباحا فان

he makes repentance, Allah will not accept it and He will give his drink from the river of impurities. —*Tirmizi, Nisai, Ibn Majah.*

تاب لم يتب الله عليه وسقاه من نهر الخبال *

(الترمذي والنسائي وابن ماجة)

155. **Jaber** reported that the Ms. of Allah said: What intoxicates in greater quantity is unlawful also in its small quantity. —*Tirmizi, Abu Daud, Ibn Majah.*

عن جابر ان رسول الله صلعم قال ما اسكر كثيره فقليله حرام *

(الترمذي وابو داود وابن ماجة)

156. **Ayesha** reported from the Ms. of Allah who said: What is intoxicating up to Farq [1241] is unlawful even in its handful. *Tirmizi, Abu Daud, Ahmad.*

عن عائشة عن رسول الله صلعم قال ما اسكر منه الفرق فملء الكف منه حرام * (احمد والترمذي وابو داود)

157 **Nu'man-b-Bashir** reported that the Ms. of Allah said: Verily there is wine from maize, and wine from barley, and wine from dry-dates and wine from dry grapes, and wine from honey. —*Abu Daud, Ibn Majah, Tirmizi* (*Rare*).

عن النعمان بن بشير قال قال رسول الله صلعم ان من الحنطة خمرا ومن الشعير خمرا ومن التمر خمرا ومن الزبيب خمرا ومن العسل خمرا

(الترمذي وابو داود وابن ماجة)

(غريب)

158. **Abu Sayeed al Khodri** reported that there was wine of an orphan with us. When the 'Food' [1242] was revealed, I asked the Ms. of Allah about

عن ابي سعيد الخدري قال كان عندنا خمر ليتيم فلما نزلت المائدة سألت

1241. 'Farq' means 8 Indian seers.

1242. The verse - 'Food' was revealed prohibiting wine. This was revealed at Medinah. The revelant portion is – O those who believe! verily intoxicants, games of chance etc. are unlawful out of the impure actions of the devil. Shun it, therefore, that you may be successful (5:90Q).

it and said : Verily it belongs an orphan. He said : Throw it to flow. —*Tirmizi.*

رسول الله صلعم عنه و قالت انه ليتيم فقال اهرقه (الترمذي)

159. **Anas** reported from Abu Talha that he asked : O Ms. of Allah, verily I purchased wine for the orphans under my care. He said : Flow out the wine and break down the wine vessels[1223] —*Tirmizi.*

عن انس عن ابي طلحة انه قال يا نبي الله اني اشتريت خمرا لايتام في حجري قال اهرق الخمر واكسر الدنان * (الترمذي)

160. **Omme Salamah** reported that the Ms. of Allah prohibited every intoxicant and exciting food[1224] —*Abu Daud.*

عن ام سلمة قالت نهى رسول الله صلعم عن كل مسكر ومفتر . (ابوداود)

161. **Dailamah al-Humairi** reported : I asked : O Ms. of Allah, verily we are in a cold land, and we are to do hard works therein, and we prepare wine from this wheat which gives us strength in our works and in the chill of our cities. He said : Does it intoxicate? 'Yes' said I. He said : Give it up. I said : Verily the people can not give it up. He said : If they do not give it up, fight with them. —*Abu Daud.*

عن ديلم الحميري قال قلت يا رسول الله انا بارض باردة و نعالج فيها عملا شديدا و انا نتخذ شرابا من هذا القمح نتقوى به على اعمالنا و على برد بلادنا قال هل يسكر قلت نعم قال فاجتنبوه قلت ان الناس غير تاركيه قال ان لم يتركوه فاقتلوهم . (ابوداود)

162. **Abdullah-b-Amr** reported that the Ms. of Allah prohibited intoxicants, games of chance, card-playing and Gobairah[1225] and he said : Every intoxicant is unlawful.—*Abu Daud.*

عن عبد الله بن عمرو ان النبي صلعم نهى عن الخمر و الميسر و الكوبة و الغبيراء و قال كل مسكر حرام . (ابوداود)

1223. This was prevalent before the verse of wine was revealed.
1224. Mufatter is that thing which irritates and excites the body, brain and heart. Its ultimate result is worst.
1225. Gobairah is a kind of wine.

163. Ibn Omar reported that the Ms. of Allah said: There are three for whom Paradise has been prohibited—a habitual drunkard, one disobedient to parents, and a careless husbandman [1226] who established impurity in his family. —*Ahmad, Nisai.*

عن ابن عمر ان رسول الله صلعم قال ثلثة قد حرم الله عليهم الجنة مدمن الخمر والعاق والديوث الذي يقر في اهله الخبث- (احمد والنسائي)

164. Ibn Abbas reported that the Ms. of Allah said: If the habitual drunkard dies, he meets Allah like one who worships idols. —*Ahmad, Ibn Majah.*

عن ابن عباس قال قال رسول الله صلعم مدمن الخمر ان مات لقي الله تعالى كعابد وثن - (احمد وابن ماجة)

165. Abu Musa reported that he used to say: I don't differentiate whether I drink wine or worship these idols besides Allah [1227] —*Nisai.*

عن ابي موسى انه كان يقول لا ابالي ان شربت الخمر او عبدت هذه السارية دون الله - (النسائي)

166. Anas reported that the Prophet cursed ten about wine—one who squeezes it, one who is engaged for squeezing it, one who drinks it, one who carries it, one to whom it is carried, one who gives it to drink, one who sells it, one who devours its price, one who purchases it and one for whom it is purchased. —*Tirmizi, Ibn Majah.*

عن انس قال لعن رسول الله صلعم في الخمر عشرة عاصرها ومعتصرها وشاربها وحاملها والمحمولة اليه وساقيها وبائعها واكل ثمنها والمشتري لها والمشترى له - (الترمذي وابن ماجة)

354w. Abdullah-b-Amr reported from the Prophet who said:

عن عبد الله بن عمرو عن النبي

1226. Dayyus is a man who sees an unlawful thing being committed by members of his family but does not prohibit them from so doing. 'Impurity' here means unlawful thing such as prostitution and any other thing held by Shariat as unlawful.

1227. This means that the sin of habitual wine drinking is nearly equal to setting up partnership with God.

One who is disobedient to parents, unkind to the poor, harsh after charity, and a habitual drunkard shall not enter paradise. —*Darimi.*

صلعم قال لا يدخل الجنة عاق ولا قمار
ولا منان ولا مدمن خمر . (الدارمي)

355w. **Abu Omamah** reported that the Ms. of Allah said: Verily the Almighty Allah sent me as a mercy for all the worlds, a guide for all the worlds; and my Almighty and Glorious Lord ordered me to abolish drums and musical instruments and idols, and gallows and affairs of the Days of Ignorance. My Lord, Almighty and Glorious, promised: By My honour, no servant out of My servants drinks a cup of wine but I will give him drink like it from hot water (of Hell); and none gives it up out of My fear but I will give him drink from the Holy Fountain. —*Ahmad.*

عن ابي امامة قال قال رسول الله
صلعم ان الله بعثني رحمة للعالمين هدى
للعالمين وامرني ربي عز وجل بمحق
المعازف والمزامير والاوثان والصلب
وامر الجاهلية وحلف ربي عز وجل
بعزتي لا يشرب عبد من عبيدي جرعة
من خمر الا سقيته من الصديد مثلها ولا
يتركها من مخافتي الا سقيته من
حياض القدس . (احمد)

356w. **Abu Musa al Ash'ari** reported that the Ms. of Allah said: There are three who will not enter Paradise—a habitual drunkard, one who cuts of blood-tie and one who believes in sorcery. —*Ahmad.*

عن ابي موسى الاشعري عن النبي صلعم
قال ثلثة لا يدخل الجنة مدمن الخمر
وقاطع الرحم ومصدق بالسحر . (احمد)

SECTION 14

1228. Minor Crimes (تعزير).

Ta'zir means prohibition. Technically it means an offence for which punishment has not been prescribed by the Holy Quran

and Hadis. It is entirely left in the hands of the judges and magistrates who are at liberty to determine the extent and form of punishment in each case with reference to the circumstances. The main object is correction and reformation of the offender. If, instead of reformation, there is recurrence of the offence, a sterner measure is justifiable. The sentence of minor crimes may include slight beating, rebuke, imprisonment and imposition of fine. It is said by Imam Abu Hanifa that the greatest number of floggings in such cases is 39, and the lowest three.

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167 **Abu Bordah-b-Niyar** reported from the Prophet who said: Stripes more than ten shall not be inflicted except for an ordained crime out of the ordained crimes of Allah

—*Agreed.*

عَنْ أَبِي بُرْدَةَ بْنِ نِيَارٍ عَنِ النَّبِيِّ صلعم قَالَ لَا يُجْلَدُ فَوْقَ عَشْرِ جَلَدَاتٍ إِلَّا فِي حَدٍّ مِنْ حُدُودِ اللهِ - (مُتَّفَقٌ عَلَيْهِ)

168. **Abu Hurairah** reported from the Prophet who said: When any of you beats, let him guard the face.

—*Abu Daud.*

عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صلعم قَالَ إِذَا ضَرَبَ أَحَدُكُمْ فَلْيَتَّقِ الْوَجْهَ - (أَبُودَاوُد)

169. **Ibn Abbas** reported from the Prophet who said: When a man says to a man—'O Jew', inflict on him 20 stripes, and when he says—'O devil', inflict on him 20 stripes. And whoso has sexual intercourse with a woman within prohibited degrees, kill him. —*Tirmizi* (Rare).

عَنْ عَبَّاسٍ عَنِ النَّبِيِّ صلعم قَالَ إِذَا قَالَ الرَّجُلُ لِلرَّجُلِ يَا يَهُودِيُّ فَاضْرِبُوهُ عِشْرِينَ وَإِذَا قَالَ يَا مُخَنَّثُ فَاضْرِبُوهُ عِشْرِينَ وَمَنْ وَقَعَ عَلَى ذَاتِ رَحِمٍ فَاقْتُلُوهُ (اَلتِّرْمِذِيُّ) (غَرِيبٌ)

CHAPTER XXVI

SECTION 1

1229. Government and Administration.

(a) **What is the necessity of a government ?** Some individuals make up a family, some families a society, some societies a nation, and some nations or societies constitute a government. The importance of the establishment of a government lies in the fact that when conflicting and clashing interests arise among the different nations and societies, there must be a paramount power to quell these disturbances and restore law and order. In absence of any supreme power or central authority, the animosities between rival groups grow ahead and develop into regular strifes, feuds and frequent blood-sheds. This was exactly the case in pre-Islamic Arabia when there were internecine quarrels and long-drawn battles between tribes and tribes with no central authority to control these unruly elements. It was the Prophet who welded together the heterogeneous elements into one homogeneous whole and founded a common-wealth with himself as the supreme authority of the land. He unified all the tribes unner a common banner, the banner of Islam and formed a Shariat, a code of all codes without any distinction of class and creed. The land of daily strifes and feuds was turned by establishment of a well-administered government into a land of Paradise.

(b) **Which peoples are blessed with the reins of a government ?** God blesses those peoples with the responsibility of a government who are just and good. The Quran says: As for the land, My righteous servants will inherit it. This is a message to a people who are righteous—21:105Q. So there is a distinct and clear message from the Greatest God that the righteous and just will hold the reins of government of a land. In another verse, it has been said that the government goes to a people who answer the distressed and the oppressed and remove their evils. The Quran says: Or,

who answers the distressed one when he calls upon him, and removes the evil and He will make you successors in the land—35:39Q. Allah said to Abraham: I will make you a leader of men. He asked: And of my offspring? He said: My covenant does not include the unjust—2:214Q. God says in the Quran reminding us of His promise: Allah has promised to those of you who believe and do good that He will certainly make them rulers in the earth as He made rulers those before them—24:55Q. Thus this verse prophesies the establishment of the kingdom of Islam. It has been repeated in 27:25Q, 35:59Q, 21:423w, 425w. Then when a good and righteous people or nation is invested with ruling authority, it continues in them so long as they remain just and maintain peace in the land. The Quran says in support of this theory: Verily Allah does not change the condition of a people until they themselves change their own conditions (13:11Q). God says in another verse: It may be that your Lord will destroy your enemy and make you rulers in the land. Then He will see you how you act—7:129Q. The Prophet said: He will try you how you act—2:42. The Quran says: And He it is who has made successors in the land and raised some of you above others in ranks that He might try you by what He has given you—6:166Q. And your Lord is self-sufficient, Lord of mercy. If He pleases, He may take you off and make whom He pleases successors after you, even as He raised you up from the seed of another people—6:134Q. He (God) causes such of His servants to inherit it (land) as He chooses—7:128Q.

From the above verses, it is abundantly clear that the righteous servants of God who are just and kind are given ruling powers and administrative charges. They continue to hold the reigns of a government till they remain righteous and just. As soon as they fall into evil ways, become engrossed in luxuries and injoy oppression on the subjects under their care, there arise signs of their downfall till they are totally crushed to give place to a new people who are more just and righteous. As is the rise and fall of an individual, so is the rise and fall of a nation. In this way, history repeats itself. When the ruling powers before Islam were degenerated and forgot their duties, when the Ceasars and Chosroes were steeped in cruel tortures on subjects, God was pleased to raise the

Muslim people to rule over a major portion of the globe and to carry justice. Indeed they were acclaimed as harbingers of peace by the down-trodden and the oppressed. The Muslims were thus the masters of the world so long as they were just and righteous. As soon as they fell from the higher standard of justice and morality, they were replaced by a still more just people. It is now in the hands of the Muslims themselves to regain the lost administrative powers by becoming united, righteous and just and remaining steadfast to their Quran and Hadis.

(c) **What form of government is favoured by Islam?** The Quran itself laid down, 14 hundred years ago, about the form of Government. It says: And their government is by counsel among themselves—42:38Q. Here the government with a council has been emphasised. Islam, at the same time, did not forget to place one man at the supreme command responsible for efficient administration of the country. That man is elected by the people from the people for the people on the widest possible franchise. It did not lay down that the son of a king would be a king or that ruling authority would continue in a hereditary line quite distinct from the common people. Thus it is seen that Islam gave a good-bye to monarchical form of government on the hereditary or dynastic basis but established in its stead true democratic form of government by electing the best available man in the Estate as a ruler assisted by a consultative body composed of the best pious men available. How far it is successful as a method, the modern democratic tendencies of the world have proved. The man will be selected not on the speculative basis but on his proved past services and proved integrity of character and piety. The Quran lays the basis of this selection in this verse: The most honourable of you near Allah is the most righteous of you—(49:13Q). In this sense, the Prophet prohibited his followers to invest any woman or boy with ruling authority. In Islam, there is no bar of a slave or a commoner to become a king if he is duly elected to the office of the head of the Common wealth. Even a negro slave, if placed in command, must be obeyed according to a saying of the Prophet—1:108. Thus the widest democratic form of government with an elected chief at its head is the rule in Islam. The Prophet established

the little common wealth of Islam when he migrated to Medina comprising the Jews, the Muslims and the people of Medina with himself as its head. This continued till his death. He did not nominate his successor, but Hazrat Abu Bakr was elected to be the first Caliph in Islam. After Abu Bakr's death, Omar was elected and assumed the title of Ameerul-Mu'menin (Commander of the Faithful). In this way the heads continued to be elected till it was replaced unfortunately by hereditary kingship. We find in history that there were no regular legislative assemblies attached to a Muslim government to make laws for the efficient administration of a country. The reason is obvious. The Quran, Hadis and Fiqh gave a complete code of laws, a social code, a rural code, a political code, an economical code, a criminal code, civil code and a religions code. Indeed it is a code of life, a perfect code adaptable to the people of all ages and climes. Hence no legislation in Islam is necessary and consequently no need of legislative councils. What is required is only a council of ministers to appear and interpret the laws according to circumstances. Thus though Islam sanctioned democratic form of government, it was not for legislation but for carrying on administration according to the true spirit of Islam.

The council of ministers were to give counsels. The Quran makes compulsory to take counsels from the ministers. It says: Take counsel from them in the affair—3:15Q. Give to one another counsels of goodness and piety—58:9Q. The Holy Prophet also had had his council of ministers who were always consulted in important measures. There is another peculiarity in Islamic form of government. It is a government mixed with religion. The divorce of politics from morality and godless diplomacy do not find support in Islam. The temporal and spiritual head was centered in the same person. The most pious man was the head of the Commonwealth and Imam of the mosque. This statesmanlike policy of the Prophet has now been abandoned by the modern Sultans and Caliphs and consequently there is degenaration in morality and uprightness resulting ultimatey in the loss of temporal and spiritual powers. Unless the Prophet's method is adopted, there will always be the inevitable

clash among the clergy, the ruling authorities and the legislators.

(d) Allegiance to the elected Ameer. As soon as an Ameer is elected by a majority of votes, all in the country must owe allegiance to him. It is compulsory and binding on the part of everyman in the government. The Quran declares: Obey Allah, and obey the Apostle and those in authority from among you—4:59Q. Oath of allegiance in outward forms is essential for ordered and peaceful government. The oath of allegiance prescribed by the Quran is the following: We will not serve anyone but God, we will not steal, we will not commit adultery, we will not kill our children, we will not slander, we will not disobey the Prophet (now the elected chief) in anything that is right—60:12Q. Compare the modern oath of allegiance to this form and see which is better. The binding character of the oath of allegiance has been stressed in another verse: Surely those who swear allegiance to you (Prophet) do but swear allegiance to Allah, the hand of Allah is upon their hands; so whoever breaks, he breaks it only to the injury of his own soul—48:10Q. According to the above form, the Prophet took oaths of allegiance whenever there arose a commotion in the minds of his companions. These were called Baitur Redwan at Hudaibiyyah and Baitul Aqaba at Mecca. Even women are allowed to come to take oath of allegiance—60:12Q.

The Prophet repeatedly declared that even if a negro slave be placed in command, he must be obeyed—2:108, 109. If a subsequent Caliph or Ameer declares himself at the head of the government, allegiance can not be taken away from the first chief. An attempt at compromise should be made if a quarrel arises. If it fails, the aggressor must be killed with his followers by a regular fight—26:15. The Quran says: And if two parties of the believers quarrel, make peace between them but if one of them acts wrongfully towards the other, fight that which acts wrongfully until it returns to Allah's command; then if he returns, make peace between them with justice and act equitably. Surely Allah loves those who act equitably—49:9Q. The question is how far the oath of allegiance should extend. According to

the Prophet, every grievance of the subjects must first be communicated to the state authorities for redress without broadcasting it abroad with a ting of disloyalty. The Quran prohibits this: And when there come to them news of scarcity and fear, they spread it abroad, and if they had referred it to the Apostle and to those in authority among them etc—4:83Q. Allegiance is also due to an Ameer even if his actions may not be liking to some individuals—25:18. It is only in case of an order for commission of sins that allegiance must be shaken off (26:18), because God's law cannot be broken. If the Muslim Ameer does not promulgate prayer, obedience is not compulsory—26:21, 24. But when the right of men are not duly restored, obedience to the Ameer still subsists—26:26. Except in these cases, the head of a Governmet should be obeyed even though he belongs to a foreign faith, A non-Muslim king therefore falls under the above descriptions. The Prophet said: Whoever disobeys the king, disobeys the Prophet —26:1. He also said that one who dies without allegiance is a rebel and dies a death of the Days of Ignorance—26:20, 25. He who disgraces a ruler, disgraces Allah—26:31.

(e) **Some rules for the guidance of the Caliphs.** Administration is the most onerous task and greatest responsibility is placed on its chief. He is either a shadow of Allah or a viceroy (khalifa) of Allah, or a devil according he is just or unjust. Consequently, there is a great merit in good and just administration and a great sin in bad and unjust administration. In order to be a good ruler, he must have, before his mind's eye, the following things. (1) He shall take the world as a temporary resting place for preparation for the everlasting next world. (2) He shall try therefore by just administration to acquire as much religious merits as possible before his death. (3) He shall take himself as a mere servant of the people and a trustee for his subjects. These things, if kept by a ruler constantly in mind, will go to make him the most successful man in administration. A ruler shall observe also the following rules. (1) He shall love for his subjects what he loves for himself. (2) His door should always remain open for hearing grievances and for redress of wrongs. (3) Justice coupled with mercy shall be the key note of administrative policies. (4) If the ruler is a Muslim, he shall

observe the religions rites of Islam. (5) His ministers must be pious, truthful and sincere. (6) He must have strict eye on the Govt. officers. (7) He shall frame rules for prompt and speedy trials. (8) He shall look to every community with an eye of equality so far as justice is concerned. (9) The people under administrative charge shall be governed according to their respective laws (25:91). Muslims shall be governed according to the laws of the Quran, Hadis and rules of equity and justice—23:74.

(f) **Merits of good rule and sin for bad rule.** The Prophet declared that a just Sultan is the shadow of Allah on earth—26 57. He will remain under the shade of Allah on the Resurrection Day very near to Him—26:43,51. The Caliphs are really representatives of the Prophet so far as the kingdom of God on earth is concerned. Therefore they should turn to Allah and His Prophet for light and guidance. Allah is kind to a ruler who is kind to his subjects—26:26. Negligence of duties on the part of a ruler will make himself to lose Paradise—26:25. Every ruler will appear before God handcupped for rendering accounts of his administration till he is let off for satisfactory answers—26:35. Allah will not speak with a king who was prone to falsehoods—26 40.

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1. **Abdullah-b-Omar** reported that the Messenger of Allah said: Behold! each one of you is a king, and each one of you will be asked about his subjects. A leader is a king over the people, and he will be asked about his subjects; a man is a king over the members of his household and he will be asked about his subjects; a woman is a queen over the members of the household of her husband and of his children, and she will be asked about them; a servant of a man is a king over

عن عبد الله بن عمر قال قال رسول الله صلعم الا كلكم راع وكلكم مسئول عن رعيته فالامام الذي على الناس راع وهو مسئول عن رعيته والرجل راع على اهل بيته وهو مسئول عن رعيته والمرأة راعية على اهل بيت زوجها وولده وهي مسئولة عنهم وعبد الرجل راع

the property of his master, and he will be asked about it. Behold! each one of you is a king, and each one of you will be asked about his subjects.[1280] —*Agreed.*

عَلَى مَالِ سَيِّدِهِ وَهُوَ مَسْئُولٌ عَنْهُ أَلَا فَكُلُّكُمْ رَاعٍ وَكُلُّكُمْ مَسْئُولٌ عَنْ رَعِيَّتِهِ * (مُتَّفَقٌ عَلَيْهِ)

2. **Abdur Rahman-b-Samorah** reported that the Messenger of Allah said: Don't seek to rule because if it is given to you for asking, you will be entrusted to it; and if it is given to you without asking, you will be aided therein[1281] —*Agreed.*

عَنْ عَبْدِ الرَّحْمٰنِ بْنِ سَمُرَةَ قَالَ قَالَ لِي رَسُولُ اللهِ صلعم لَا تَسْأَلِ الْإِمَارَةَ فَإِنَّكَ إِنْ أُعْطِيتَهَا عَنْ مَسْأَلَةٍ وُكِلْتَ إِلَيْهَا وَإِنْ أُعْطِيتَهَا عَنْ غَيْرِ مَسْأَلَةٍ أُعِنْتَ عَلَيْهَا * (مُتَّفَقٌ عَلَيْهِ)

3. **Abu Hurairah** reported that the Messenger of Allah said: You will soon covet for administration, but it will soon be a repentance on the Resurrection Day. How good then is the suckling woman, and how bad is the weaning woman![1282] —*Bukhari.*

عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صلعم قَالَ إِنَّكُمْ سَتَحْرِصُونَ عَلَى الْإِمَارَةِ وَسَتَكُونُ نَدَامَةً يَوْمَ الْقِيٰمَةِ فَنِعْمَ الْمُرْضِعَةُ وَبِئْسَتِ الْفَاطِمَةُ * (الْبُخَارِي)

4. **Abdullah-b-Omar** reported: I heard the Messenger of Allah

عَنْ عَبْدِ اللهِ بْنِ عُمَرَ قَالَ سَمِعْتُ

1280. How excellent is the teaching of the Ms. of Allah. Everyone has been made responsible for members and things under his charge. Even a wife has been given the high position of a queen of the household. The servant has not been neglected. He is the guardian of the household properties in his charge. If these instructions would have been followed literally, the world would have solved its various complex problems in a way which has hitherto not been approached by politicians of any clime.

1281. The task of administration is very difficult and without the help of God, it can not be carried on. Hence to seek to rule is bad.

1282. It means that leadership and administrative powers are sweet at the beginning like a suckling woman who gets relish in being suckled. Their ends are however bitter when they are snatched away. The king is then like the weaning woman to whom weaning is quite distasteful. In other words, leadership and ruling power should not be sought. There is a great responsibility therein.

say: There is no man who is appointed by Allah to look after the subjects and who afterwards does not come down to them with admonition except that he will not find fragrance of Paradise.[1233] —*Agreed.*

رسول الله صلعم يقول ما من عبد يسترعيه الله رعية فلم يحطها بنصيحة الا لم يجد رائحة الجنة * (متفق عليه)

5. **Ayesha** reported that the Prophet said: O Allah! whoso is given power over any of the affairs of my people and then he gives trouble to them, give trouble to him; and whoso is given power over any of the affairs of my people and then he shows mercy to them, show mercy to him.[1234] —*Muslim.*

عن عائشة قالت قال رسول الله صلعم اللهم من ولي من امر امتي شيئا فشق عليهم فاشقق عليه ومن ولي من امر امتي شيئا فرفق بهم فارفق به - (مسلم)

6. **Abu sayeed** reported that the Messenger of Allah said: Allah did not send any Prophet, nor did He invest any with ruling power but for whom there were two ministers—one minister who enjoins good and gives impetus to carry it out, and another who enjoins evil and goads thereto; and one innocent is he whom Allah protects[1235] —*Bukhari.*

عن ابي سعيد قال قال رسول الله صلعم ما بعث الله من نبي ولا استخلف من خليفة الا كانت له بطانتان بطانة تامره بالمعروف وتحضه عليه وبطانة تامره بالشر وتحضه عليه والمعصوم من عصمه الله * (البخاري)

1233. In other words the negligent ruler will not enter Paradise.

1234. If appears from this invocation of the Prophet that the government of an alien race under whom Providence has placed the Muslims will go on well if the Muslim subjects are given a fair deal in all departments of administration. If, however they neglect their legitimate rights, there will always be trouble and unrest within the country.

1235. It is clear from this hadis that every king has got two camps, one camp of friends and another camp of enemies. Good and evil stand for angel and devil respectively. Angel guides one towards good and the devil towards evil. In this crisis of life, only the guidance of the Quran and Hadis is to be followed.

7. **Abu Bakrah** reported: When it reached the Prophet that the Persians had enthroned a daughter of the Chosroe as queen over them, he said: Never shall a people prosper who appoints a woman to conduct their affairs.[1286]

عن ابي بكرة قال لما بلغ رسول الله صلعم ان اهل الفارس قد ملكوا عليهم بنت كسرى قال لن يفلح قوم ولوا امرهم امرأة * (البخاري)

8. **A'yed-b Amr** reported that he heard the Messenger of Allah say: Verily the worst thing in administration is rebellion.[1287] *Muslim.*

عن عائذ بن عمرو قال سمعت رسول الله صلعم يقول ان شر الرعاء الحطمة * (مسلم)

9. **Ka'ab-b-Ojrah** reported that the Prophet said to me: I seek refuge to Allah for you from the administration of the fools.[1288] He asked: What is that, O Ms. of Allah? He said: There will soon come some rulers after me. Whoso will visit them and hold their falsehood as true and help them in their oppression, they are not of me, and I am not of them; and they can never come to the Fountain[1289] for me. Whoso will not call on them and hold their falsehood as true and help them in their oppression they are of me and I am

عن كعب بن عجرة قال قال لي رسول الله صلعم اعيذك بالله من امارة السفهاء قال وما ذاك يا رسول الله قال امراء سيكونون من بعدي من دخل عليهم فصدقهم بكذبهم واعانهم على ظلمهم فليسوا مني ولست منهم ولن يردوا على الحوض ومن لم يدخل عليهم ولم يصدقهم بكذبهم ولم يعنهم على ظلمهم فاولئك مني وانا منهم واولئك

1286. It is evident that women have got less administration aptitude than men, as soft elements in them are by nature preponderating. They are not at all fit for public offices.

1287. See note 1186 for full discussion.

1288. These are bad and oppressive rulers.

1289. The Fountain is the fountain of the Prophet which will be used on the Resurrection Day. See note 2886 for full light.

of them. They will come for drink at my Fountain [1240]

—*Tirmizi, Nisai.*

يردون علي الحوض *

(الترمذي و النسائي)

10. **Meqdam-b-Ma'adi Kareba** reported that the Messenger Allah struck on his shoulders and said: O Qadim! you have indeed attained salvation if you have died, while you were neither a ruler, nor a writer, nor a wise man. [1241] —*Abu Daud.*

عن مقدام ابن معديكرب ان رسول الله صلعم ضرب على منكبيه ثم قال افلحت يا قديم ان مت ولم تكن اميرا ولا كاتبا ولا عريفا * (ابوداود)

11. **Ayesha** reported that the Messenger of Allah said: When Allah intends good to a ruler, He appoints for him a trusted minister. It he forgets, he reminds him; and if he remembers, he helps him. When He wishes for him other than that, He appoints for him a bad minister. If he forgets, he does not remind him; and if he remembers, he does not help him. [1243]

عن عائشة قالت قال رسول الله صلعم اذا اراد الله بالامير خيرا جعل له وزير صدق ان نسي ذكره وان ذكر اعانه واذا اراد به غير ذلك جعل له وزير سوء ان نسي لم يذكره وان ذكر لم يعنه . (ابوداود و النسائي)

12. **Abu Omamah** reported from the Prophet who said: When a ruler seeks to have doubt in men, he makes them revolt. [1244] —*Abu Daud.*

عن ابي امامة عن النبي صلعم قال ان الامير اذا ابتغى الريبة في الناس افسدهم * (ابوداود)

1240. The heroic ministers will be given rewards for their sound advice to a tyrant king.

1241. Qadim has been addressed as it is the endearing form of Meqdam.

1242. This does not prohibit ruling or writing or acquiring wisdom but here the worst kinds of ruling, writing and wisdom have been meant.

1243. This follws as a consequence of good and bad rule. In case of good rule, good ministers are attached to the king and vice versa.

1244. Doubts, lack of confidence and spying lead the administration towards revolution, because the officers lose hope of promotion and encouragement. For good administration, the officers as a class must be relied on unless forced by special circumstances.

13. **Ma'qal-b-Yasar** reported: I heard the Messenger of Allah say: There is no ruler ruling over some Muslim subjects and then dies being displeased with them except that Allah will make Paradise unlawful for him. 1245

—*Agreed.*

عَنْ مَعْقِلِ بْنِ يَسَارٍ قَالَ سَمِعْتُ رَسُولَ اللهِ صلعم يَقُولُ مَا مِنْ وَالٍ يَلِي رَعِيَّةً مِنَ الْمُسْلِمِينَ فَيَمُوتُ وَهُوَ غَاشٌّ لَهُمْ إِلَّا حَرَّمَ اللهُ عَلَيْهِ الْجَنَّةَ. (مُتَّفَقٌ عَلَيْهِ)

14. **Anas** reported that Qais-b-Sa'ad 1246 was for the Prophet in the post of police-general of a ruler. 1247

—*Bukhari.*

عَنْ أَنَسٍ قَالَ كَانَ قَيْسُ بْنُ سَعْدٍ مِنَ النَّبِيِّ صلعم بِمَنْزِلَةِ صَاحِبِ الشُّرَطِ مِنَ الْأَمِيرِ. (الْبُخَارِيُّ)

357w. **Abu Hurairah** reported that the Messenger of Allah said: Seek refuge to Allah from the beginning of the 70th year 1248 and the rule of the boys 1249

—*Baihaqi, Ahmad.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم تَعَوَّذُوا بِاللهِ مِنْ رَأْسِ السَّبْعِينَ وَإِمَارَةِ الصِّبْيَانِ. (أَحْمَدُ وَالْبَيْهَقِيُّ)

358w. **Yahya-b-Hashem** 1250 reported that the Messenger of Allah said: As you are, so a commander will be appointed over you. 1251 —*Ahmad, Baihaqi.*

عَنْ يَحْيَى بْنِ هَاشِمٍ قَالَ قَالَ رَسُولُ اللهِ صلعم كَمَا تَكُونُونَ كَذَلِكَ يُؤَمَّرُ عَلَيْكُمْ. (أَحْمَدُ وَالْبَيْهَقِيُّ)

359w. **Ibn Abbas** reported: Treachery does not appear in a

عَنِ ابْنِ عَبَّاسٍ قَالَ مَا ظَهَرَ الْغُلُولُ

1245. A ruler displeased with Muslim subjects will surely go to hell.

1246. Qais was a famous companion. He died at Medina in 60 A. H.

1247. It appears therefore from this hadis that the Prophet sanctioned to keep a department of police for law and order.

1248. Consult history and see what a tremendous calamity arose at that time.

1249. History bears testimony to the harms of administration if a boy or a woman is entrusted with state affairs.

1250. Yahya-b-Hashem reported from Yunus-b-Abi Ishaq who reported from his father.

1251. In other Words, if your actions are good, your governors also will be good; and if bad, your governors will be bad.

nation but Allah throws fear in to their hearts,[1251] nor fornication becomes wide-spread in a nation but death becomes frequent in them,[1253] nor does a nation decrease weight and measure[1254] but provision is cut off from them,[1255] nor does a nation pass order unjustly but murder becomes prevalent among them,[1256] nor do a nation break a treaty but the enemey becomes powerful over them.[1257] —*Malek*.

فِي قَوْمٍ إِلَّا أَلْقَى اللهُ فِي قُلُوبِهِمُ الرُّعْبَ وَلَا فَشَا الزِّنَا فِي قَوْمٍ إِلَّا كَثُرَ فِيهِمُ الْمَوْتُ وَلَا نَقَصَ قَوْمٌ الْمِكْيَالَ وَالْمِيزَانَ إِلَّا قُطِعَ عَنْهُمُ الرِّزْقُ وَلَا حَكَمَ قَوْمٌ بِغَيْرِ حَقٍّ إِلَّا فَشَا فِيهِمُ الدَّمُ وَلَا خَتَرَ قَوْمٌ بِالْعَهْدِ إِلَّا سُلِّطَ عَلَيْهِمُ الْعَدُوُّ . (مَالِكٌ)

SECTION 2

Allegiance[1258] and Rebellion[1259]

15. **Abu Hurairah** reported that the Messenger of Allah said: Whoso obeys me, obeys Allah; and whoso disobeys me, disobeys Allah; and whoso obeys a ruler, obeys me; and whoso

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم مَنْ أَطَاعَنِي فَقَدْ أَطَاعَ اللهَ وَمَنْ عَصَانِي فَقَدْ عَصَى اللهَ وَمَنْ يُطِعِ الْأَمِيرَ

1251. A treacherous nation is as much fearful as a treacherous man. Treachery it is which brings fear.

1253. Death stands for infectious disease such as small-pox, cholera and plague. In society which is morally corrupt, such diseases find ample room resulting in general deaths.

1254. See note 932.

1255. Provision is reduced owing to their own actions, because the general public would never come to them for trade if they come to know their tricks.

1256. If justice is not done, the oppressed people may revolt and carry pillage and murder in the country.

1257. It appears that the nation which breaks treaties after treaties is generally the ultimate victim in the hands of the enemies.

1258. See note 1223 (e).

1259. See note 1166.

disobeys a ruler, disobeys me. Verily an Imam is a shield who fights in his absence and protects him. If he enjons to fear Allah and does justice, there is reward for him for that; and if he enjoins otherwise, there is against him therefrom. —*Agreed.*

فقد اطاعني ومن يعصي الامير فقد عصاني وانما الامام جنة يقاتل من ورائه ويتقى به فان امر بتقوى الله وعدل فان له بذالك اجرا وان قال بغيره فان عليه منه * (متفق عليه)

16. **Ibn Omar** reported that the Holy Prophet said: There is hearing and obeying on a Muslim in what is pleasing and displeasing to him so long as he is not ordered with a sinful act. When he is ordered with a sinful act, there's no hearing and obeying.[1260] —*Agreed.*

عن ابن عمر قال قال رسول الله صلعم السمع والطاعة على المرء المسلم فيما احب وكره ما لم يومر بمعصية فاذا امر بمعصية فلا سمع ولا طاعة*(متفق عليه)

17. **Ali** reported that the Messenger of Allah said: There's no obedience in transgression. Verily obedience is in good deeds.[1261] —*Agreed.*

عن علي قال قال رسول الله صلعم لا طاعة في معصية انما الطاعة في المعروف * (متفق عليه)

18. **Abdullah-b-Swa'met** reported: We took oath of allegiance to the Messenger of Allah over hearing and obeying in danger and in peace, in pleasure and anger, over reward upon us, and on condition that "we shall not snatch an affair from its deserving

عن عبد الله بن الصامت قال بايعنا رسول الله صلعم على السمع والطاعة في العسر واليسر والمنشط والمكره وعلى اثرة علينا وعلى ان لا ننازع الامر

1260. There are duties towards Allah and His Apostle and duties towards a king. If the duties collide, the latter is to be rejected in preference to the former. There is no obedience in the unlawful things proclaimed by Allah, the Supreme Ruler of rulers.

1261. This rule applies not only to rulers and kings but also to their officers in the estate. In case of a state injunction prohibiting the duties of Islam, it is not lawful to raise a common revolt against the ruling power, but it is lawful to disobey the unlawful order.

persons, that we shall speak the truth wherever we might be, that we shall not fear the slander of a slanderer in the cause of Allah." In another narration: And on condition that we shall not snatch an affair from its deserving persons except (when) you see clear infidelity near you from Allah wherein there is clear proof.[1262] —*Agreed.*

اهله وعلى ان نقول بالحق اينما كنا لا نخاف في الله لومة لائم * وفي رواية وعلى ان لا ننازع الامر اهله الا ان تروا كفرا بواحا عندكم من الله فيه برهان * (متفق عليه)

19. **Ibn Omar** reported: When we took oath of allegiance to the Messenger of Allah over hearing and obeying, he used to say to us: About what you are capable of.[1263] —*Agreed.*

عن ابن عمر قال كنا اذا بايعنا رسول الله صلعم على السمع والطاعة يقول لنا فيما استطعتم * (متفق عليه)

20. **Abu Hurairah** reported: I heard the Messenger of Allah say: Whoso goes out of allegiance and keeps himself separate from the united body, dies a death of the Days of Ignorance, and whoso fights under a blind banner getting enraged for tribal glory, or calling for (keeping) tribal glory, or helping for tribal glory and then

عن ابي هريرة قال سمعت رسول الله صلعم يقول من خرج من الطاعة وفارق الجماعة فمات ميتة جاهلية ومن قاتل تحت راية عمية يغضب لعصبية او يدعوا لعصبية او ينصر لعصبية

1262. The last sentence means that no Muslim shall take up arms against a ruler. If however there is clear poof according to the Quran and Hadis that the ruler is to be disobeyed in the particular circumstances and he is a kafir or disbeliever, it is lawful on the Muslims to take up arms against him. Imam Abu Hanifa says that an Imam shall not be forsaken inspite of his commission of great and small sins, but Imam Shafeyi holds the contrary. This is also applicable in case of Govt. officials.

1263. The Quran does not inflict on men what is beyond their capacity and powers. It says: Allah does not impose upon a soul a duty, but to the extent of its ability—2:286Q. So there is no obedience in what one is not capable of doing.

he is killed, his murder is that of the Days of Ignorance; and whoso comes upon my people with his sword striking the pious and the impious among them, not sparing even the believers among them, and whoso does not fulfil his treaty with a man under treaty, he is not of me, and I am not of him.

—*Muslim.*

فقتل فقتلة جاهلية ومن خرج على أمتي
بسيفه يضرب برها وفاجرها ولا يتحاشا
من مؤمنها ولا يفي لذي عهد عهده
فليس مني ولست منه .

(مسلم)

21. **Auf-b-Malek al-Ash'jayi** reported from the Messenger of Allah who said: The best of your Imams are those whom you love and those who love you, and those to whom you send blessings and those who send blessings to you. The worst of your Imams are those whom you hate and those who hate you, and those whom you curse and those who curse you. We asked: O Ms. of Allah, shall we not then over throw them at that time? 'No' said he, 'till they establish prayer among you;[1264] no, till they establish prayer among you except one over whom a governor is appointed. He will then see whether he does anything in transgression of

عن عوف بن مالك الأشجعي
عن رسول الله صلعم قال خيار أئمتكم
الذين تحبونهم وتحبونكم وتصلون
عليهم ويصلون عليكم وشرار أئمتكم
الذين تبغضونهم ويبغضونكم وتلعنونهم
ويلعنونكم قال قلنا يا رسول الله أفلا
ننابذهم عند ذلك قال لا ما أقاموا
فيكم الصلوة لا ما أقاموا فيكم الصلوة
إلا من ولي عليه وال فرآه يأتي شيئا

1264. It appears from this that the importance of prayer is too great. It is a distinguisher between a believer and a Kafir. Any government prohibiting it will be fought against by the Muslims. A Muslim ruler must however enforce prayer in his estate.

God's law. Let him dislike what he does regarding transgression of Allah's law, he must not take off (his) hand out of allegiance. —*Muslim.*

من معصية الله فليكره ما يأتي من معصية الله ولا ينزعن يدا من طاعة . (مسلم)

22. Omme-Salamah reported that the Messenger of Allah said: There will be over you rulers (some of) whom you will like and (some) you will dislike. Whoso will deny will become free, and whoso will dislike will be safe; and there will be those who will become pleased and follow. He asked: Shall we not fight with them? 'No' said he, 'so long they pray; no, so long they pray'; that is, one who dislikes with his heart and rejects with his heart. —*Muslim.*

عن ام سلمة قالت قال رسول الله صلعم يكون عليكم امراء تعرفون و تنكرون فمن انكر فقد برئ ومن كره فقد سلم و لكن من رضي و تابع قالوا افلا نقاتلهم قال لا ما صلوا لا ما صلوا اي من كره بقلبه و انكر بقلبه * (مسلم)

23. Abdullah-b-Mas'ud reported: The Messenger of Allah told us: Certainly you will see soon after me customs and affairs which you will not find agreeable. They asked: O Ms. of Allah! what then do you enjoin on us? He said: Give them their dues and pray to Allah for your dues.[1265] —*Agreed.*

عن عبد الله بن مسعود قال قال لنا رسول الله صلعم انكم سترون بعدي اثرة و امورا تنكرونها قالوا فما تامرنا يا رسول الله قال ادوا اليهم حقهم و سلوا الله حقكم * (متفق عليه)

24. Wael-b-Hujr reported: Salamah-b-Yezid asked the Messenger

عن وائل بن حجر قال سال سلمة

1265. This means that rulers and their officials will do many things distasteful to some Muslim individuals. In that case, the Muslims should be also obedient to them. If any wrong is done, it must be left to Allah for redress rather than raising a revolt.

of Allah: O Prophet of Allah, inform me in case the rulers stand demanding their rights and denying our rights—what then do you enjoin on us? He said: Hear and obey because there is against them what has been given to them to bear, and there is against you what you have been given to bear (of responsibilities). —*Muslim.*

بن يزيد رسول الله صلعم فقال يا نبي الله أرأيت إن قامت علينا أمراء يسألونا حقهم و يمنعونا حقنا فما تأمرنا قال اسمعوا و أطيعوا فإنما عليهم ما حملوا و عليكم ما حملتم * (مسلم)

25. **Abdullah-b-Omar** reported: I heard the Messenger of Allah say: Whoso takes off (his) hand from allegiance, will meet Allah on the Resurrection Day while there will be no proof for him; and whoso dies while there was no allegiance on his neck dies a death of the Days of Ignorance. —*Muslim.*

عن عبد الله بن عمر قال سمعت رسول الله صلعم يقول من خلع يدا من طاعة لقي الله يوم القيامة ولا حجة له ومن مات و ليس في عنقه بيعة مات ميتة جاهلية * (مسلم)

26. **Abu Hurairah** reported from the Messenger of Allah who said: The Prophets ruled over the children of Israil. Whenever a Prophet died, another Prophet succeeded him, but there will be no Prophet after me. [1266] There will soon be Caliphs (successors) and they

عن أبي هريرة عن النبي صلعم قال كانت بنو إسرائيل تسوسهم الأنبياء كلما هلك نبي خلفه نبي و إنه لا نبي بعدي و سيكون خلفاء فيكثرون قالوا فما

1266 This is a clear statement by the Holy Prophet in a hadis agreed to by Bukhari and Muslim that the Prophet Muhammad is the last in the link of the Prophets and that there will be no Prophet after him. The allegation of the Qadiani sect that Mirza Golam Ahmed of Qadian (India) is a Prophet is negatived by this, and no Muslim can be a follower of such a heretical creed It appears also from this that Islam combines both temporal and spiritual powers and does not teach its followers to keep aloof from the affairs of the world.

will number many. They asked: What then do you order us? He said: Fulfil allegiance to the first and then the first. Give them their dues. Verily Allah will ask them about what He entrusted them with. —*Agreed.*

تأمرنا قال أوفوا ببيعة الأول فالأول أعطوهم حقهم فإن الله سائلهم عما استرعاهم *

(متفق عليه)

27. **Abu Sayeed** reported that the Prophet said: When oath of allegiance has been taken for two Caliphs, kill the last of the two. —*Muslim.*

عن أبي سعيد قال قال رسول الله صلعم إذا بويع لخليفتين فاقتلوا الآخر منهما * (مسلم)

28. **Urfazah** reported: I heard the Prophet say: There will soon be revolt and rebellion. Whoso wishes to divide the affairs of this people while they are united, strike him with sword wherever he remains. —*Muslim.*

عن عرفجة قال سمعت رسول الله صلعم يقول إنه سيكون هنات وهنات فمن أراد أن يفرق أمر هذه الأمة وهي جميع فاضربوه بالسيف كائنا من كان * (مسلم)

29. **Same** reported: I heard the Messenger of Allah say: Whoso comes to you, while your affair has been united under one man, intending to divide your staff or dissolve your unity, kill him. —*Muslim.*

عنه قال سمعت رسول الله صلعم يقول من أتاكم وأمركم جميع على رجل واحد يريد أن يشق عصاكم أو يفرق جماعتكم فاقتلوه * (مسلم)

30. **Abdullah-b-Amr** reported that the Messenger of Allah said: Whoso takes oath of allegiance to an Imam and gives him the palm of his hand and the fruit of his heart, let him obey him if he can. If another comes to quarrel with him, strike the neck of another. —*Muslim.*

عن عبد الله بن عمرو قال قال رسول الله صلعم من بايع إماما فأعطاه صفقة يده وثمرة قلبه فليطعه إن استطاع فإن جاء آخر ينازعه فاضربوا عنق الآخر *

(مسلم)

31. Ziyad-b-Kosaib reported: I was with Abu Bakrah under Member b-A'mer while he was delivering sermon with a thin cloth on him. Abu Bilal said: Look to our ruler wearing the cloth of a transgressor. Abu Bakrah said: Be silent. I heard the Messenger of Allah say: Whoso dishonours a Sultan of Allah on earth. Allah will dishonour him. —*Tirmizi* (*Approved, Rare*)

عَنْ زِيَادِ بْنِ كُسَيْبٍ قَالَ كُنْتُ مَعَ أَبِي بَكْرَةَ تَحْتَ مِنْبَرِ ابْنِ عَامِرٍ وَهُوَ يَخْطُبُ وَعَلَيْهِ ثِيَابٌ رِقَاقٌ فَقَالَ أَبُو بِلَالٍ انْظُرُوا إِلَى أَمِيرِنَا يَلْبَسُ ثِيَابَ الْفُسَّاقِ فَقَالَ أَبُو بَكْرَةَ اسْكُتْ سَمِعْتُ رَسُولَ اللهِ صلعم يَقُولُ مَنْ أَهَانَ سُلْطَانَ اللهِ فِي الْأَرْضِ أَهَانَهُ اللهُ * (اَلتِّرْمِذِي وَحَسَنٌ غَرِيبٌ)

32. Abu Zarr reported that the Prophet said: How will you be while the rulers after me will appropriate Fai-properties[1267] for themselves? I said: Behold! By One who sent you with truth, I shall place my sword on my shoulder and then attack therewith till I shall meet you. He said: Shall I not lead you to a thing better than this? You will have patience till you meet me. —*Ahmad.*

عَنْ أَبِي ذَرٍّ قَالَ قَالَ رَسُولُ اللهِ صلعم كَيْفَ أَنْتُمْ وَأَئِمَّةٌ مِنْ بَعْدِي يَسْتَأْثِرُونَ بِهَذَا الْفَيْءِ قُلْتُ أَمَا وَالَّذِي بَعَثَكَ بِالْحَقِّ أَضَعُ سَيْفِي عَلَى عَاتِقِي ثُمَّ أَضْرِبُ بِهِ حَتَّى أَلْقَاكَ قَالَ أَوَلَا أَدُلُّكَ عَلَى خَيْرٍ مِنْ ذَلِكَ تَصْبِرُ حَتَّى تَلْقَانِي * (أَبُو دَاوُد)

33. Abu Sayeed reported that the Prophet said: The best Jihad is (that of) one who says a true word to a tyrannical king. —*Ibn Majah, Tirmizi, Abu Daud.*

عَنْ أَبِي سَعِيدٍ قَالَ قَالَ رَسُولُ اللهِ صلعم أَفْضَلُ الْجِهَادِ مَنْ قَالَ كَلِمَةَ حَقٍّ عِنْدَ سُلْطَانٍ جَائِرٍ * (اَلتِّرْمِذِي وَأَبُودَاوُد وَابْنُ مَاجَةَ)

1267. Fai-properties are those properties which are acquired without any war and blood-shed. They belong to the government for the poor and the needy and maintenance of administration. This is a prophecy therefore that the property will in future be appropriated by the ruling chief for personal comforts and happiness.

34. **Ayesha** reported regarding the oath of allegiance of women: Verily the Messenger of Allah used to examine them according to this verse: O Prophet! when the believing women come to you to take oath of allegiance to you.[1368] To one who stood by this condition among them, he said: I offer you a word of allegiance which you will utter. By Allah, his hand did never touch the hand of a woman in the act of allegiance. —*Agreed.*

عن عائشة قالت في بيعة النساء ان رسول الله صلعم كان يمتحنهن بهذه الآية يا أيها النبي اذا جاءك المؤمنات يبايعنك فمن أقرت بهذا الشرط منهن قال لها قد بايعتك كلاما يكلمها به والله ما مست يده يد امرأة قط في المبايعة * (متفق عليه)

35. **Omaimah-bn-Roqaiqah** reported:-I took allegiance to the Prophet among some women. He said: I said: O Apostle of Allah! take our allegiance. (She meant: Handshake with us). He said: Verily my word to a hundred women is like my word to a single woman.

عن أميمة بنت رقيقة قالت بايعت النبي صلعم في نسوة فقال قلت يا رسول الله بايعنا تعني صافحنا قال انما قولي لمائة امرأة كقولي لامرأة واحدة *

36. **Ibn Abbas** reported from the Prophet who said: Whoso lives in villages becomes hard-hearted; whoso follows games becomes negligent; and whoso comes to the Sultan finds himself in trouble.[1369] *Ahmad, Tirmizi and Nisai narrated it. And in a narration of Abu Daud:* Whoso keeps by the Sultan falls

عن ابن عباس عن النبي صلعم قال من سكن البادية جفا ومن اتبع الصيد غفل ومن أتى السلطان افتتن رواه أحمد والترمذي والنسائي وفي رواية أبي داود من لزم السلطان افتتن وما

1368. The full verse runs as follows: O Prophet! when the believing women come to you to take oath of allegiance to you etc (60:12Q).

1369. Those who live in villages live among the illiterate masses who are generally selfish and narrow-minded men. They are generally crooked and irreligious and therefore

in trial; and the more a servant inreases his nearness to the Sultan, the more he increases his distance from Allah.

ازداد عبد من السلطان دنوا الا ازداد من الله بعدا *

360. **Muwayiah** reported: I heard the Messenger of Allah say: When you follow the secrets of men, you raise them to revolt. —*Baihaqi.*

عن معاوية قال سمعت رسول الله صلعم يقول انك اذا اتبعت عورات الناس افسدتهم * (البيهقي)

360w(a). **Abu Darda'a** reported that the Messenger of Allah said: Verily the Almighty Allah will say: I am Allah, there is no deity except Myself. I am Master of kings and King of kings. Hearts of kings are in My hand. Verily as for the servants, when they obey Me, I change the hearts of kings towards them with mercy and rewards; and verily as for the servants, when they disobey Me, I change their hearts with displeasure and punishment. So they inflictgrievous punishment upon them. Therefore don't engage yourselves in evil invocation against the kings, but engage yourselves in remembrance of Allah and humble submission, so that I may be sufficient for you about (evils of) your kings. —*Abu Nayeem.*

عن ابي الدرداء قال قال رسول الله صلعم ان الله تعالى يقول انا الله لا اله الا انا مالك الملوك و ملك الملوك قلوب الملوك في يدي و ان العباد اذا اطاعوني حولت قلوب ملوكهم عليهم بالرحمة و الرافة و ان العباد اذا عصوني حولت قلوبهم بالسخطة و النقمة فساموهم سوء العذاب فلا تشغلوا انفسكم بالدعاء على الملوك و لكن اشغلوا انفسكم بالذكر و التضرع كي اكفيكم ملوككم . (ابو نعيم)

361w. **Nawas-b-Samwan** reported that the Holy Prophet

عن النواس بن سمعان قال قال

they become so many strangers to mercy. Those who are engaged in hunting excursions and other amusements become generally negligent of the duties laid down by Islam.

said : There is no obedience to the created in disobedience to the Creator. —*Sharhi Sunnat.*

رسول الله صلعم لا طاعة المخلوق في معصية الخالق ۔ (شرح السنة)

SECTION 3

1270. Merits of good rulers

[See note 1270]

37. **Abdullah-b-Amr** reported that the Messenger of Allah said : Verily the just persons near Allah will be upon pulpits of light on the right side of the Merciful, and both His hands are right hands of those who are just in their orders and in their family, and what they are given to rule. —*Muslim.*

عن عبد الله بن عمرو قال قال رسول الله صلعم إن المقسطين عند الله على منابر من نور عن يمين الرحمن وكلتا يديه يمين الذين يعدلون في حكمهم وأهليهم وما ولوا ۔ (مسلم)

38. **Galeb-b-Qatan** reported that the Messenger of Allah said : Verily nobility is a truth and there must of necessity be noble men for the people, but the nobles will be in the fire.[1271] —*Abu Daud.*

عن غالب بن القطان عن رجل عن أبيه عن جده قال قال رسول الله صلعم إن العرافة حق ولا بد للناس من عرفاء ولكن العرفاء في النار ۔ (أبو داود)

39. **Abu Sayeed** reported that the Prophet said : Verily the dearest of men near Allah on the Resurrection Day and he nearest of them before Him for company will be a just ruler, and

عن أبي سعيد قال قال رسول الله صلعم إن أحب الناس إلى الله يوم القيمة وأقربهم منه مجلسا إمام عادل

1271. Those noble men have been meant here who oppress the weak and do not care to follow the tenets of Islam and its democracy. Islam says that there is no distinction between man and man, but these noble men make distinction. The true noble man is he who is the most pious and dutiful (49:13 Q).

verily the most disagreeable of the people near Allah on the Resurrection Day and one deserving of the most severe punishment among them (in a narration: the most distant of them in company to Him) will be a tyrannical ruler. —*Tirmizi* (*Approved, Rare*)

وإن أبغض الناس إلى الله يوم القيمة وأشدهم عذابا وفي رواية وأبعدهم منه مجلسا إمام جائر.

الترمذي (حسن غريب)

40. **Abu Hurairah** reported that the Messenger of Allah said: There will be three with whom Allah will not speak on the Resurrection Day, nor shall He purify them (in a narration, nor shall He look at them); and for them, there will be grievous punishment: An old fornicator, a false speaking king and a proud beggar. —*Muslim.*

عن أبي هريرة قال قال رسول الله صلعم ثلاثة لا يكلمهم الله يوم القيمة ولا يزكيهم وفي رواية ولا ينظر إليهم ولهم عذاب أليم شيخ زان وملك كذاب وعائل مستكبر. (مسلم)

41. **Abdur Rahman-b-Abdullah** from his father reported: We were with the Messenger of Allah in a journey. He went for his call of nature. Then we saw a pigeon with its two young ones. We caught hold of its young ones and then the pigeon came and began to flutter. The Messenger of Allah came and enquired: Who has given trouble to this for its young ones? Return its young ones to it. And he saw a village of ants being burnt by us. He asked: Who has burnt this? We said: We. He said: None should inflict

عن عبد الرحمن بن عبد الله عن أبيه قال كنا مع رسول الله صلعم في سفر فانطلق لحاجته فرأينا حمرة معها فرخان فأخذنا فرخيها فجاءت الحمرة فجعلت تفرش فجاء النبي صلعم فقال من فجع هذه بولدها ردوا ولدها إليها ورأى قرية نمل قد حرقناها قال من حرق هذه فقلنا نحن قال إنه لا ينبغي أن يعذب

punishment with the fire but the Lord of the fire. —*Abu Daud*

بِالنَّارِ إِلَّا رَبُّ النَّارِ ۔ (ابوداود)

362w. **Ayesha** reported from the Ms. of Allah who said: Do you know—who will be the foremost unto the shade of the Almighty and Glorious Allah on the Resurrection Day? They replied: Allah and His Apostle know best. He said: Those who, when right is given, accept it, and when asked, spend it, and who dispense justice for the people like their doing justice to themselves. —*Ahmad, Baikiqi.*

عَنْ عَائِشَةَ عَنْ رَسُولِ اللّٰهِ صلعم قَالَ
أَتَدْرُونَ مَنِ السَّابِقُونَ إِلَى ظِلِّ اللّٰهِ
عَزَّ وَجَلَّ يَوْمَ الْقِيٰمَةِ قَالُوا اللّٰهُ وَرَسُولُهُ
أَعْلَمُ قَالَ الَّذِينَ إِذَا أُعْطُوا الْحَقَّ قَبِلُوهُ
وَإِذَا سُئِلُوا بَذَلُوهُ وَحَكَمُوا لِلنَّاسِ
كَحُكْمِهِمْ لِأَنْفُسِهِمْ ۔ (احمد والبيهقي)

3 '3w' **Jaber-b-Samorah** reported: I heard the Messenger of Allah say: There are three things which I fear for my followers—seeking rain with the position of stars, oppression of a king and disbelief in predistination. —*Ahmad, Baihaqi.*

عَنْ جَابِرِ بْنِ سَمُرَةَ قَالَ سَمِعْتُ رَسُولَ
اللّٰهِ صلعم يَقُولُ ثَلٰثٌ أَخَافُ عَلَى أُمَّتِي
الْاِسْتِسْقَاءُ بِالْأَنْوَاءِ وَحَيْفُ السُّلْطَانِ
وَتَكْذِيبٌ بِالْقَدَرِ * (احمد والبيهقي)

364w. **Abu Zarr** reported that the Messenger of Allah said to me: O Abu Zarr! think for six days what will be told to you afterwards. When there came the seventh day, he said: I give you admonition to fear Allah in your secret affair and its open; do good when evil is done unto you; don't beg anything of anyone even though your staff falls down, and don't like possession of trust property

عَنْ أَبِي ذَرٍّ قَالَ قَالَ لِي رَسُولُ
اللّٰهِ صلعم سِتَّةَ أَيَّامٍ اِعْقِلْ يَا أَبَا ذَرٍّ مَا
يُقَالُ لَكَ بَعْدُ فَلَمَّا كَانَ الْيَوْمُ السَّابِعُ
قَالَ أُوصِيكَ بِتَقْوَى اللّٰهِ فِي سِرِّ أَمْرِكَ
وَعَلَانِيَتِهِ وَإِذَا أَسَأْتَ فَأَحْسِنْ وَلَا تَسْأَلَنَّ
أَحَدًا شَيْئًا وَإِنْ سَقَطَ سَوْطُكَ وَلَا تَقْبِضْ

and don't be a judge between two men. —*Ahmad Baihaqi.*

أمانة ولا تقض بين اثنين *

(احمد والبيهقي)

365w. **Abu Omamah** reported from the Messenger of Allah who said: There is no man who rules the affairs of ten men or more than that, but the Almighty and Glorious Allah will resurrect him as a treacherous man on the Resurrection Day with his hand upon his neck. His piety will either set him free, or his sin will destroy him. Its beginning will be blasphemy, its middle repentance and its end disgrace on the Resurrection Day.[1273] —*Ahmad, Baihaqi.*

عن أبي أمامة عن النبي صلعم أنه قال ما من رجل يلي أمر عشرة فما فوق ذلك إلا أتاه الله عز وجل مغلولا يوم القيامة يده إلى عنقه فكه بره أو أوبقه إثمه أولها ملامة وأوسطها ندامة وآخرها خزي يوم القيامة *

(احمد والبيهقي)

366w. **Muwayiah** reported that the Messenger of Allah said: O Muwayiah, if you are invested with administration, fear Allah and do justice. He said: I did not cease to think that I would be tried with administration on account of the saying of the Apostle of Allah, until I was given the trial.[1274] —*Ahmad, Baihaqi.*

عن معاوية قال قال رسول الله صلعم يا معاوية إن وليت أمرا فاتق الله واعدل قال فما زلت أظن أني مبتلى بعمل لقول النبي صلعم حتى ابتليت *

(احمد والبيهقي)

1272. A great responsibility has been sounded here in making decisions between two men. To bring peace between two men brings great rewards (see note 403) Therefore, settlement of disputes is not prohibited here but a note of grave responsibility for doing injustice has been given to the judges. The Holy Prophet forbade to take charge of trust property as there is every chance of committing breach of trust.

1273 This gives a great warning to the tyrannical rulers and governors, They will all be brought handcuffed before God. Then the kind rulers will be set free, while the oppressors will be hurled down unto the Hell fire.

1274 It is well known how literally the prophecy was fulfilled. Muwayiah became

367w. **Ibn Omar** reported that the Messenger of Allah said: Verily the Sultan is a shade of Allah[1275] on earth. Every oppressed man out of His servants take shelter to him. When he administers justice, there is reward for him, and there is gratitude on the part of the subjects; and when he oppresses, there is sin on him, and there is then patience upon the subjects. —*Baihaqi.*

عن ابن عمر ان النبي صلعم قال ان السلطان ظل الله في الارض يأوي اليه كل مظلوم من عباده فاذا عدل كان له الاجر وعلى الرعية الشكر واذا جار كان عليه الاصر وعلى الرعية الصبر - (البيهقي)

368w. **Omar-b-al Khattab** reported that the Messenger of Allah said: Verily the best of the servants of Allah in rank in the sight of Allah on the Resurrection Day will be a ruler, just, kind; and verily the worst of men in rank in the sight of Allah on the Resurrection Day will be a ruler, tyrannical and hard-hearted. —*Baihaqi.*

عن عمر بن الخطاب قال قال رسول الله صلعم ان افضل عباد الله عند الله منزلة يوم القيمة امام عادل رفيق وان شر الناس عند الله منزلة يوم القيمة امام جائر خرق * (البيهقي)

369w. **Abdullah-b-Omar** reported that the Messenger of Allah said: Whoso casts a glance upon his brother which frightens him, Allah will make him frightened on the Resurrection Day. —*Baihaqi.*

عن عبد الله بن عمر قال قال رسول الله صلعم من نظر الى اخيه نظرة يخيفه اخافه الله يوم القيمة * (البيهقي)

Caliph at Damascus after the death of Hazrat Ali. Had he not had prophetic knowledge, this would not have come from the mouth of Muwayiah.

1275. A Sultan or king is the shadow of Allah on earth. As Allah distributes rain, sunshine and all other things equally to all irrespective of caste and creed, likewise the supreme duty of a king is to follow the attributes of God and make no difference in the administration of justice. Allah is a friend of the poor and the needy. So also a king should be a friend of the poor and the needy.

SECTION 4

1276. Duties of officers.

Officers as public servants must, according to the Instruments of Instructions of the Holy Prophet, administer justice to the people. They are ordered not to shut up their doors against the public. They must hear their grievances and redress the wrongs done to them by anybody. They must conduct themselves in such a way that the public may remain satisfied with them in all their affairs. The Prophet instructed his officers not to ride on best horses, nor eat thin flour, nor put on fine dress, nor shut up their doors at the time of the needs of men. If they disobeyed these instructions, they received due punishment. They were ordered to deal gently with the people, to give ease to them and to administer their comforts. They shall be pious, moral, righteous and honest. They shall not take anything beyond their salaries and allowances. They cannot even receive presents as presents may possibly come to them by virtue of their office. In short, they must carry on their duties in the way of Allah for establishing peace and tranquility with ultimate responsibility to God and to the head of the common-wealth.

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42. **Abu Musa** reported: Whenever the Messenger of Allah sent any of his companions for some of his affairs, he used to say: Give good news and not contempt, and give ease and not trouble. —*Agreed.*

عن ابي موسى قال كان رسول الله صلعم اذا بعث احدا من اصحابه في بعض امره قال بشروا ولا تنفروا ولا تعسروا * (متفق عليه)

43. **Anas** reported that the Prophet said: Give ease and not trouble, give tranquility and not oppression. —*Agreed.*

عن انس قال قال رسول الله صلعم يسروا ولا تعسروا وسكنوا ولا تنفروا (متفق عليه)

44. **Abu Burdah** reported that the Prophet sent his grandfather

عن ابي بردة قال بعث النبي

Abu Musa and Mu'az to Yemen. He said: Give ease and not trouble; give good news and not contempt; be united and don't differ. —*Agreed.*

45. **Amr-b-Murrah** reported that he said to Muwayiah: I heard the Messenger of Allah say: Whomsoever Allah gives power of rule over anything of the affairs of the Muslims, and then he screens himself from them at the time of their wants, wishes and poverty, Allah will screen Himself away at the time of his wants, wishes and poverty. Muwayiah appointed a man in charge of the needs of the people. *Abu Daud, and Tirmizi narrated it. In a narration reported by him and Ahmad:* Allah will shut up the doors of heaven at the time of his hope, need and poverty.

46. **Abu Musa a'-Ash'ari** reported that the Messenger of Allah said: A trust-worthy Muslim treasurer is he who gives what he is ordered, full, complete, with self-satisfaction therefor. He then gives it to one for whom he is ordered, he being one of the distributers of charity. —*Agreed.*

47. **Oqbah-b-A'mer** reported that the Messenger of Allah said: The collector of taxes (meaning one who collects 'Oshar'

صلعم جده ابا موسى و معاذا الى اليمن
فقال يسرا ولا تعسرا و بشرا ولا تنفرا
و تطاوعا ولا تختلفا * (متفق عليه)

عن عمرو ابن مرة انه قال لمعاوية
سمعت رسول الله صلعم يقول من ولاه
الله شيئا من امر المسلمين فاحتجب
دون حاجتهم و خلتهم و فقرهم احتجب
الله دون حاجته و خلته و فقره فجعل
معاوية رجلا على حوائج الناس رواه
ابوداود و الترمذي و في رواية له و
لاحمد اغلق الله ابواب السماء دون
خلته و حاجته و مسكنته *

عن ابي موسى الاشعري قال قال
رسول الله صلعم الخازن المسلم الامين
الذي يعطي ما امر به كاملا موفرا طيبة
به نفسه فيدفعه الى الذي امر له
به احد المتصدقين * (متفق عليه)

عن عقبة ابن عامر قال قال رسول
الله صلعم لا يدخل الجنة صاحب مكس

tax) from the people will not enter Paradise.[1277]

—*Ahmad, Abu Daud, Darimi.*

يعني النبي يعشر الناس *
(احمد و ابوداود و الدارمي)

370w. **Abu Shammakh al-Azdi** reported from a cousin of his from of the companions of the Prophet that he came to Muwayiah and went to him. He said: I heard the Messenger of Allah say: Whoso is appointed a governor for anything over men, and then he shuts up his door against the Muslims, or the oppressed, or the needy, Allah will shut up against him the doors of His Mercy at his need and his poverty—whatsoever want he might feel.

—*Baihaqi.*

عن ابي الشماخ الازدي عن ابن عم له من اصحاب النبي صلعم انه اتى معاوية فدخل عليه فقال سمعت رسول الله صلعم يقول من ولي من امر الناس شيئا ثم اغلق بابه دون المسلمين او المظلوم او ذي الحاجة اغلق الله دونه ابواب رحمته عند حاجته و فقره افقر ما يكون اليه * (البيهقي)

371w. **Omar-b-al-Khattab** reported that whenever he sent his officers, he used to impose conditions on them: Don't ride on Turkish horses, nor eat their flour, nor put on their dress, nor shut up your doors at the time of the needs of men. If you do anything out of these things, punishment on you will become lawful. Afterwards he used to proclaim among them. —*Baihaqi.*

عن عمر بن الخطاب انه كان اذا بعث عماله شرط عليهم ان لا تركبوا برذونا ولا تاكلوا نقيا ولا تلبسوا رقيقا ولا تغلقوا ابوابكم دون حوائج الناس فان فعلتم شيئا من ذلك فقد حلت بكم العقوبة ثم يشيعهم . (البيهقي)

372w. **Abu Hurairah** reported that the Messenger of Allah said: Woe to the rulers, woe to the nobles and

عن ابي هريرة قال قال رسول الله صلعم ويل للامراء ويل للعرفاء ويل للامناء

1277. Here the collector of illegal taxes or illegal exactions has been meant.

and woe to the trusted! All people shall certainly wish on the Resurrection Day that their foreheads should remain hung up with Pleiades and swinging between heaven and earth and that they should not have been appointed rulers. *Sharhi Sunnat, and Ahmad narrated it. In his narration*: Their forelocks will be hanging with Pleiad s wavering between heaven and earth and they would wish that they should not have been app inted governors over anything.

ليتمنين اقوام يوم القيمة ان نواصيهم معلقة بالثريا يتجلجلون بين السماء والارض وانهم لم يلوا عملا رواه شرح السنة واحمد وفي روايته ان ذوائبهم كانت معلقة بالثريا يتذبذبون بين السماء والارض ولم يكونوا عملوا على شيء *

SECTION 5

1278. Breach of duty

There is a great sin in breach of trust. The Prophet said; Every one of you is a king and evereyone of you will be asked about his subjects. The Imam who is a king over the people will be asked about his subjects—26:1 In this way, the head of a family is the king over his family, a servant is a king over his master's properties. In case, the trust is broken, there is breach of duty with consequence of sin and punishment. The Prophet said; Don't act treacherously with Allah about His pledge—1: 0. The inmates of Paradise are three—a king, just, truth and merciful—4:2. The dwellers of hell are three—a treacherous man whose avarice is not secret to him etc—4:2. The believer may have many defects except breach of trust and falsehood—1:13w. When you find a man committing breach of trust in the way of Allah, burn his commodities and beat him—4:219. Collector of illegal taxes will not center Paradise. So from the above verses, it appears that breach of trust is a very serious thing in the eye of Islam, speciall y

in State affairs. If the officers receive bribe, it is also a breach of trust. The Messenger of Allah cursed the bribe-taker and bribe-giver—1390. Even a needle can not be taken by any officer from the State Treasury.

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48. **Ibn Omar** reported that the Messenger of Allah said: Verily (as for) a treacherous man, a standard will be raised for him on the Resurrection Day. It will be declared: This is the treachery of so and so. —*Agreed.*

عن ابن عمر أن رسول الله صلعم قال إن الغادر ينصب له لواء يوم القيمة فيقال هذه غدرة فلان بن فلان ـ
(متفق عليه)

49. **Anas** reported from the Prophet who said: For every treacherous man, there will be a standard on the Resurrection Day with which he will be recognised. —*Agreed.*

عن أنس عن النبي صلعم قال لكل غادر لواء يوم القيمة يعرف به *
(متفق عليه)

50. **Abu Sayeed** reported from the Prophet who said: For every treacherous man, there will be a standard on the Resurrection Day near his buttock. *In a narration*: For every treacherous man, there will be a standard on the Resurrection Day which will be raised up in proportion to his treachery. Behold! there is no treacherous man in treachery greater than a ruler over the public. —*Muslim.*

عن أبي سعيد عن النبي صلعم قال لكل غادر لواء عند استه يوم القيمة وفي رواية لكل غادر لواء يوم القيمة يرفع له بقدر غدره ألا ولا غادر أعظم غدرا من أمير عامة * (مسلم)

SECTION 6

1279. Appointments

As a rule, appointments did not go, at the time of the Prophet and the rightly-guided Caliphs, by canvassing, but posts

were offered to deserving men, regard being had to their past services, proved integrity and honesty, and firm-rooted uprightness and justice. Consequently the best characters were appointed in the State services. At the time of the Prophet, these officers were a band of angels posted to respective stations to carry out the Divine Command and to establish the kingdom of God on earth. The Prophet's principle of appointment has gradually been recognised by the modern governments.

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51. Abu Zarr reported : I said : O Ms. of Allah, will you appoint me a collector ? He narrated : Then he struck upon my ankles with his hand and afterwards said : O Abu Zarr, you are a weak man while it is a trust ; and it will be disgrace and repentance on the Resurrection Day except for one who takes it duly and fulfil what is entrusted to him therein. O Abu Zarr ! verily I find you weak and I love for you what I love for myself. Don't rule over two men and don't be a guardian over the property of an orphan. —*Muslim.*

عَنْ أَبِي ذَرٍّ قَالَ قُلْتُ يَا رَسُولَ اللّٰهِ أَلَا تَسْتَعْمِلُنِي قَالَ فَضَرَبَ بِيَدِهِ عَلَى مَنْكِبِي ثُمَّ قَالَ يَا أَبَا ذَرٍّ إِنَّكَ ضَعِيفٌ وَإِنَّهَا أَمَانَةٌ وَإِنَّهَا يَوْمَ الْقِيَامَةِ خِزْيٌ وَنَدَامَةٌ إِلَّا مَنْ أَخَذَهَا بِحَقِّهَا وَأَدَّى الَّذِي عَلَيْهِ فِيهَا وَفِي رِوَايَةٍ قَالَ لَهُ يَا أَبَا ذَرٍّ إِنِّي أَرَاكَ ضَعِيفًا وَإِنِّي أُحِبُّ لَكَ مَا أُحِبُّ لِنَفْسِي لَا تَأَمَّرَنَّ عَلَى اثْنَيْنِ وَلَا تَوَلَّيَنَّ مَالَ يَتِيمٍ ‎* (مسلم)

52. **Abu Musa** reported : We went to the Prophet, I and two men of my cousins. One of them said : O Messenger of Allah, make me governor of some land over which Allah gave you power. The other said like that. He said : By Allah, we appoint none in this post who seeks it, nor anyone who

عَنْ أَبِي مُوسَى قَالَ دَخَلْتُ عَلَى النَّبِيِّ أَنَا وَرَجُلَانِ مِنْ بَنِي عَمِّي فَقَالَ أَحَدُهُمَا يَا رَسُولَ اللّٰهِ أَمِّرْنَا عَلَى بَعْضِ مَا وَلَّاكَ اللّٰهُ وَقَالَ الْآخَرُ مِثْلَ ذٰلِكَ فَقَالَ إِنَّا وَاللّٰهِ لَا نُوَلِّي عَلَى هٰذَا الْعَمَلِ أَحَدًا سَأَلَهُ

is greedy for it. *Ina narration,* he said: We do not appoint those in our post who wish it.

—Agreed.

ولا احدا حرص عليه وفي رواية قال لانستعمل على عملنا من اراده *

(متفق عليه)

50. **Abu Hurairah** reported that the Prophet said: You will find the best of men greatly disliking this affair, till he falls therein.

—Agreed.

عن ابي هريرة قال قال رسول الله صلعم تجدون من خير الناس اشدهم كراهية لهذا الامر حتى يقع فيه *

(متفق عليه)

51. **Omar** reported: I held office at the time of the Messenger of Allah. He appointed me a governor.

—Abu Daud

عن عمر قال عملت على عهد رسول الله صلعم فعملني * (ابوداود)

SECTION 7

1280. Administration of justice

(a) **Exhortation to do justice.** The Quran definitely gives us advice to be maintainers of justice in many verses: O you who believe! be maintainers of justice bearers of witness for Allah's sake though it may be against your ownselves, parents or near relatives—4:135Q. O you who believe! be upright for Allah, bearers of witness with justice and let not the hatred of a people incite you to act inequitably. Act equitably; that is nearer to piety—5:8Q. Allah loves those who do justice—4:13Q. When you judge among men, judge with justice—4:58Q. When you speak, be just though you speak against a relative. Verily Allah enjoins justice and doing of good, and giving away alms to the kindred; and He forbids indecency, evil and rebellion—16:90Q. There are innumerable verses exhorting the Muslims to do justice.

(b) **All are equal in the eye of law.** It appears from above that justice should be done to all people where justice is due. In the administration of justice, there shall be no distinction

between the strangers and the relatives, between the Muslims and the non-Muslims and between the high and the low. All stand equal in the eye of Islamic law of justice. There is no such reservation as "The king can do no wrong," or "The king is above all party politics." The king is as much subject to law as a commoner and must appear before the Qazi for trial. Indeed the Prophet maintained a very high standard of justice and laid down rules to that effect. See note 2434 (iv) for further light.

(c) **Rewards for justice and punishment for injustice.** The upright judges in the sight of Allah will be upon the pulpits of light on the right side of the Merciful—26:37. The dearest of men to Allah is a just ruler—26:39. They will find shade under the shade of the Throne—26:362W.

(d) **Duty of judges.** In Islamic law, a judge deals with all cases—civil, criminal and military. There is no separate udiciary as all stand equal in the eye of law. No question therefore arises for separation of the executive from the judiciary. Under the circumstances, a judge has got to perform a great responsible task. Sometimes he is asked to summon before him the high dignitaries of the estate, the members of the royal blood and the ministers. In dispensing justice, he must be sober, calm and cool. Nothing should ruffle his hind from the path of recti ude. If he does wrong, he is not only responsible to the people but also to God. He must not deliver judgment while he is in an angry mood—2 :55. If he tries hard to do justice, he is helped by God in coming to a just conclusion. He must not feel kindness in awarding the ordained sentences for the prescribed crimes. The Quran definitely laid down this instruction : Let not pity detain you in the matter of obedience to Allah—24:2Q. He must not accept any present or bribery from the parties to a case. He must decide disputes and cases with as much speediness and promptness as possible, as to delay justice is a part of injustice. Above all, he shall administer justice without making any distinction between the high and the low, the rich and the poor, king and no king.

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55. Abu Bakrah reported: I heard the Messenger of Allah say: No judge shall pass a decree between two men while he is angry. —*Agreed.*

عن ابي بكرة قال سمعت رسول الله صلعم يقول لا يقضين حاكم بين اثنين وهو غضبان * (متفق عليه)

56. Abdullah-b-Amr and Abu Hurairah reported that the Messenger of Allah said: When a judge wishes to pass a decree, and then strives hard and decides justly, there are two rewards for him; but when he wishes to pass a decree, and then strives hard but commits mistake, there is one reward for him. —*Agreed.*

عن عبد الله بن عمرو و ابي هريرة قالا قال رسول الله صلعم اذا حكم الحاكم فاجتهد و اصاب فله اجران و اذا حكم فاجتهد و اخطأ فله اجر واحد * (متفق عليه)

57. Abu Hurairah reported that the Prophet said: Whoso is appointed a judge among men has indeed been slaughtered without a knife. —*Ahmad, Tirmizi, Abu Daud, Ibn Majah.*

عن ابي هريرة قال قال رسول الله صلعم من جعل قاضيا بين الناس فقد ذبح بغير سكين * (احمد و الترمذي و ابوداود و ابن ماجة)

58. Anas reported that the Prophet said: Whoso seeks the post of a judge and begs is entrusted to himself; and whoso is appointed to it without asking, Allah sends for him an angel to give him strength. —*Tirmizi, Abu Daud, Ibn Majah.*

عن انس قال قال رسول الله صلعم من ابتغى القضاء و سأل وكل الى نفسه و من اكره عليه انزل الله عليه ملكا يسدده - (الترمذي و ابوداود و ابن ماجة)

59. Boraidah reported that the Prophet said: Judges are of three kinds: One kind will be in Paradise and the two in hell. As for one who will be in Paradise, he is a man who recognises truth

عن بريدة قال قال رسول الله صلعم القضاة ثلثة واحدة في الجنة و اثنان في النار فاما الذي في الجنة فرجل عرف ،

and gives a decree accordingly, and a man who recognises truth but is unjust in decree is in Hell, and a man who passes decree for the people out of ignorance is in Hell. —*Abu Daud, Ibn Majah.*

الحق فقضى به ورجل عرف الحق فجار في الحكم فهو في النار ورجل قضى للناس على جهل فهو في النار *
(ابوداود وابن ماجة)

60. **Abu Hurairah** reported from the Prophet who said : Whoso seeks to be a judge among the Muslims till he gets it, and then whose justice prevails over his injustice, there is Paradise for him ; and whosoever's injustice prevails over his justice, there is the fire for him. —*Abu Daud.*

عن ابي هريرة قال قال رسول الله صلعم من طلب قضاء المسلمين حتى يناله ثم غلب عدله جوره فله الجنة ومن غلب جوره عدله فله النار *
(ابوداود)

61. **Abdullah-b Abi Aufa** reported that the Messenger of Allah said : Verily Allah is with a judge so long as he is not unjust. When he is unjust (willingly), He goes off from him, and the devil keeps attached to him. —*Tirmizi, Ibn Majah.*

عن عبد الله بن ابي اوفى قال قال رسول الله صلعم ان الله مع القاضي ما لم يجر فاذا جار تخلى عنه ولزمه الشيطان * (الترمذي وابن ماجة)

62. **Ali** reported : The Messenger of Allah sent me to Yemen as a judge. I said : O Messenger of Allah ! you are sending me while I am young in years and there is no knowledge for me in judgeship. He said : Verily Allah will soon give guidance to your heart and make your tongue firm. When two persons come to you for decision, don't give decree in favour of the first till you hear the argument of the other, because that is

عن علي قال بعثني رسول الله صلعم الى اليمن قاضيا فقلت يا رسول الله ترسلني وانا حديث السن ولا علم لي بالقضاء فقال ان الله سيهدي قلبك ويثبت لسانك اذا تقاضى اليك رجلان فلا تقض للاول حتى تسمع

more necessary that decision may become clear to you. He said: I had afterwards never entertained any doubt in decisions. —*Tirmizi, Abu Daud, Ibn Majah.*

كلام الآخر فإنه أحرى أن يتبين لك القضاء قال فما شككت في قضاء بعد (الترمذي وأبوداود وابن ماجة)

63. **Abdullah b-Mus'ud** reported that the Messenger of Allah said: There is no judge judging among men but will come on the Resurrection Day while an angel will be holding his hands, and then he will raise up his head towards heaven. If he (Allah) says: Throw him down, he will throw him down up to a distance of 40 years (in Hell). —*Ahmad, Ibn Majah.*

عن عبد الله ابن مسعود قال قال رسول الله صلعم ما من حاكم يحكم بين الناس إلا جاء يوم القيمة وملك آخذ بقفاه ثم يرفع رأسه إلى السماء فإن قال ألقه ألقاه في مهواة أربعين خريفا * (أحمد وابن ماجة)

64. **Ibn Maohab** reported that Osman-b-Affan said to Ibn Omar: Judge among men. He said: O Commander of the Faithful, pardon me. He enquired: Why do you dislike it while your father was a judge? He said: I heard the Messenger of Allah say: Whoso is appointed a judge and decides with justice, it is proper to turn away from him with full hand, and he should not be approached after that. *Tirmizi narrated it. In a narration of Razin from Nafe', it is reported that Ibn Omar said to Osman:* O Commander of the Faithful, I shall not decide between two persons. He said:

عن ابن موهب أن عثمان بن عفان قال لابن عمر اقض بين الناس قال أو يعافيني يا أمير المؤمنين قال ما تكره من ذلك وقد كان أبوك يقضي قال لأني سمعت رسول الله صلعم يقول من كان قاضيا فقضى بالعدل فبالحري أن ينقلب منه كفافا فما راجعه بعد ذلك رواه الترمذي وفي رواية رزين عن نافع أن ابن عمر قال لعثمان يا أمير المؤمنين لا أقضي

Verily your father was doing justice. He said: As for my father if anything was difficult to him, he asked the Messenger of Allah; and if the Messenger of Allah felt difficulty, he asked Gabriel (Peace be on him); but I find none whom to consult with. I heard the Messenger of Allah say: Whoso takes refuge with Allah takes refuge with a great thing; and I heard him say: Whoso takes refuge with Allah, I give refuge to him; and verily I seek refuge with Allah from your appointment of me as a judge. Then he pardoned him. Osman said: Don't inform anybody.

بين رجلين قال فان اباك كان يقضي فقال ان ابي لو اشكل عليه شيء سأل رسول الله صلعم ولو اشكل على رسول الله صلعم شيء سأل جبرئيل عليه السلام واني لا اجد من اسأله وسمعت رسول الله صلعم يقول من عاذ بالله فقد عاذ بعظيم وسمعته يقول من عاذ بالله فاعيذوه واني اعوذ بالله ان تجعلني قاضيا فاعفاه وقال عثمان لا تخبر احدا *

373w. **Sayeed-b-al-Musayyeb** reported that a Muslim and a Jew quarrelled with each other before Omar. He saw justice in favour of the Jew. So Omar gave him a decree therefor. Then the Jew said: By Allah, you have decided with truth. Then Omar beat him with a stick and said: What has informed you? Then the Jew said: By Allah, we find in the Torah that there is no judge who judges with truth but an angel is by his right hand and an angel by his left-hand side, helping him and giving means of help for truth so long as he

عن سعيد بن المسيب ان مسلما ويهوديا اختصما الى عمر فرأى الحق لليهودي فقضى له عمر به فقال له اليهودي والله لقد قضيت بالحق فضربه عمر بالدرة وقال ما يدريك فقال اليهودي والله انا نجد في التورية انه ليس قاض يقضي بالحق الا كان عن يمينه ملك وعن شماله ملك يسددانه ويوفقانه للحق ما دام مع

remains on truth; but when he gives up truth, they give him up and leave him. —*Malik.*

الْحَقِّ فَإِذَا تَرَكَ الْحَقَّ عَرَجَاهُ وَتَرَكَاهُ *
(مَالِكٌ)

SECTION 8

1281. Trials and Evidences

(*a*) **Burden of Proof.** According to Islam, the burden of proof is generally upon the complainant or the plaintiff, because the plaintiff seeks to establish a claim, or the complainant a crime. This burden comes into operation as soon as the accused or the defendant takes an oath denying any liability or commission of crime. If however, there is admission, it may be taken as true; but in case of crime, it must be corroborated either by repeated confessions or independant witnesses. The burden then shifts to the other side. If the defendant denies to take oath, a decree will be passed against him—26:90, 96, 100.

(*b*) **Testimony of Witnesses.** In Islam, there are certain fixed number of witnesses in special crimes. For instance, 4 witnesses are necessary in order to establish a case of adultery to the exclusion of women witnesses. The Quran says: And those who accuse free women and then do not bring *four* witnesses, flog them 80 stripes and do not ever admit any evidence from them—24:4Q. In another verse, it is said: Why did they not bring four witnesses of it? But as they have not brought witnesses, they are liars before Allah—24:13Q. In case of bonds, handnotes, mortgages etc, the Quran prescribes *two* witnesses. It says: And call in to witness from among your men two witnesses; but if there are not two men, then one man and two women from among those whom you choose to be witnesses, so that if one of the two errs, the second of the two may remind the other and the witnesses should not refuse when they are summoned—2:282Q. In other cases, two men or one man and two women are required. In some cases, one witness was held sufficient to establish a case upon oath—26:95. In case of the balance of evidence on both

sides, permission must be taken into consideration—26:102. In absence of evidence on either sides, the claim should be dismissed on oath of the defendant denying the claim, or an accused shall be acquitted on his taking oath denying the commission of the crime—26:104. It is incumbent upon the witnesses to bear testimony, nor is it lawful for them to conceal a fact within their knowledge. The Quran says: And the witnesses should not refuse when they are summoned—(2:282Q). It says also: Conceal not your testimony. Whoso conceals it, his heart is certainly sinful—2:283Q. The Hanifi law says that testimony in cases of crimes inducing corporal punishment is not obligatory (واجب) for two reasons. Fitsly, it is in accordance with the Prophet's action. The Prophet said to a person that had borne testimony in such a case: Verily it would have been better for you if you had concealed it. He said: Whoso conceals the vices of his brother Muslim, shall have a veil drawn over his own crimes in the two worlds by Allah. According to Hanifi law, if a property or claim is involved in a case, the fact must be stated in such a way as may not incur corporal punishment. The best witness is one who comes without request and summons to depose a fact—26:67. The Quran says: They (witnesses) shall both swear by Allah saying: We will not take for it a price, though he may be a relative, and we will not hide the testimony of Allah—5:106Q.

(c) **Inadmissible Evidence.** The deposition of the following persons is not to be accepted according to the Prophet:—(1) blind man, (2) a slave, (3) a slanderer against chastity of women, (64:4Q), (4) a fornicator, (5) a murderer, (6) a thief, (7) a dacoit, (8) a drunkard, (9) a near relative (son, grandson, father or grand-father, husband or wife, master or slave), (10) public singers and public women, (11) usurers, (12) heretics. Testimony of a bastard or enuch is, however, admissible—26:111, 112.

(d) **Punishment for false oath and testimony.** It has been rather put down in note—383. The Prophet said that Paradise is unlawful for one who has taken false oath and thereby takes the properties of others—26:61,62,107,106. Hell is destined for one who prefers a false claim—26:66. False oath or false evidence is a great sin. It is like setting up partnership with Allah 26:110.

The Quran says: Give up false evidence (2:283Q).

And do not conceal testimony; and whoso conceals it, his heart is surely sinful—2:283Q. Besides these warnings, a definite sentence for the slanderers of chastity of women has been prescribed. The sentence is 80 stripes—24:4Q.

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65. **Ibn Abbas** reported from the Prophet who said: If the people were given according to their demand, people would have demanded the bloods of men and their properties; but oath is upon the defendant.[1282] —*Muslim.*

عن ابن عباس عن النبي صلعم قال لو يعطى الناس بدعواهم لادعى ناس دماء رجال واموالهم ولكن اليمين على المدعى عليه * (مسلم)

66. **Ibn Mus'ud** reported that the Messenger of Allah said: Whoso swears upon a deliberate oath, while he is a trangressor therein taking therewith the properties of a Muslim, will meet Allah on the Resurrection Day while He will be wrathful on him. Then the Almighty Allah revealed in support of that: Verily those who purchase for a small price the covenant of Allah and their oaths—up to the last verse. —*Agreed.*

عن ابن مسعود قال قال رسول الله صلعم من حلف على يمين صبر وهو فيها فاجر يقتطع بها مال امرئ مسلم لقي الله يوم القيمة وهو عليه غضبان فانزل الله تعالى تصديق ذلك ان الذين يشترون بعهد الله وايمانهم ثمنا قليلا الى اخر الاية * (متفق عليه)

67. **Abu Omamah** reported that the Prophet said: Whoso takes the right of a Muslim with his oath, the fire becomes binding for him and Paradise unlawful

عن ابي امامة قال قال رسول الله صلعم من اقتطع حق امرئ مسلم بيمينه فقد اوجب الله له النار وحرم عليه

1282. Baihaqi added the following:—Proof is upon the plaintiff and oath is upon the defendant. In other wards, the onus of proof is upon the plaintiff, and the defendant is to take an oath that plaintiff's claim is not true. In case the defendant does not take oath, plaintiff gets a decree, and in case he takes oath, plaintiff must prove his case.

for him. A man asked him: Even though it be a small thing? O Prophet of Allah? He said: Even if it be a rod of Arak.
—*Muslim.*

الجنة فقال له رجل وإن كان شيئا يسيرا يا رسول الله قال وإن كان قضيبا من أراك * (مسلم)

68. **Omme-Salamah** reported that the Prophet said: I am only a man and verily you quarrel before me, and perhaps some of you may be more eloquent with his arguments than others that I may give decree in his favour according as I hear from him. Whoso is therefore given a decree by me for him on account of something out of the properties of his brother, he shall not take it, and verily I shall then cut a piece of the fire for him.
—*Agreed.*

عن أم سلمة أن رسول الله صلعم قال إنما أنا بشر وإنكم تختصمون إلي ولعل بعضكم أن يكون ألحن بحجته من بعض فأقضي له على نحو ما أسمع منه فمن قضيت له بشيء من حق أخيه فلا يأخذنه فإنما أقطع له قطعة من النار * (متفق عليه)

69. **Ayesha** reported that the Messenger of Allah said: Of all the people most disliked by Allah is one who is most obstinate in opposition.[1288]
—*Agreed.*

عن عائشة قالت قال رسول الله صلعم إن أبغض الرجال إلى الله الألد الخصم * (متفق عليه)

70. **Ibn Abbas** reported that the Messenger of Allah decided with an oath and one witness.
—*Muslim.*

عن ابن عباس أن رسول الله صلعم قضى بيمين وشاهد * (مسلم)

71. **Alqamah-b-Wael** reported that a man came from Hazramaut and another man from Kindah to the Prophet. The man of Hazramaut said: O Ms. of Allah, this man has overcome me over

عن علقمة بن وائل قال جاء رجل من حضرموت ورجل من كندة إلى النبي صلعم فقال الحضرمي يا رسول

1288. Compromise of some sort or other is greatly desirable. He who does not want compromise and is obstinate in opposition is the worst man to Allah.

a land of mine. The man of Kindah said: That is my land and is in my possession. He has got no right therein. The Holy Prophet asked the Hazrami: Have you got proof? 'No' said he. He said: Then there is his oath for you. He said: O Ms. of Allah, verily the man is a transgressor. He will not care over what he will swear and he has got attention of nothing. He said: There is nothing for you except that from him. Then he went to swear. The Prophet said when he went behind: If he swears over his property in order to devour it unjusty, Allah will meet him while He would be turning His face from him.

—*Muslim.*

الله إن هذا غلبني على أرض لي فقال الكندي هي أرضي وفي يدي ليس له فيها حق فقال النبي صلعم للحضرمي ألك بينة قال لا قال فلك يمينه قال يا رسول الله إن الرجل فاجر لا يبالي على ما حلف عليه وليس يتورع من شيء قال ليس لك منه إلا ذلك فانطلق ليحلف فقال رسول الله صلعم لما أدبر لئن حلف على ماله ليأكله ظلما ليلقين الله وهو عنه معرض * (مسلم)

72. **Abu Zarr** reported that he heard the Messenger of Allah say: Whoever claims what is not for him, is not of us and let him seek his abode in the fire.

—*Muslim.*

عن أبي ذر أنه سمع رسول الله صلعم يقول من ادعى ما ليس له فليس منا وليتبوأ مقعده من النار * (مسلم)

73. **Zaid-b-Khalid** reported that the Messenger of Allah said: Shall I not inform you about the best of witnesses?—He who comes with his deposition before he is asked for it.

—*Muslim.*

عن زيد بن خالد قال قال رسول الله صلعم ألا أخبركم بخير الشهداء الذي يأتي بشهادته قبل أن يسألها * (مسلم)

74. **Ibn Mas'ud** reported that the Messenger of Allah said:

عن ابن مسعود قال قال رسول الله

The best of men are my contemporaries, after that those who will succeed them, and after that those who will succeed them. After that, there will appear a people of whom the deposition of anyone will precede his oath and his oath (will precede) his deposition.[1284] —*Agreed.*

صلعم خير الناس قرني ثم الذين يلونهم ثم الذين يلونهم ثم يجيء قوم تسبق شهادة احدهم يمينه و يمينه شهادته * (متفق عليه)

75. **Abu Hurairah** reported that the Messenger of Allah administered oath to a people. They hastened (to take it). He then ordered to cast lots among them about oath (to see) which of them should swear. —*Bukhari.*

عن ابي هريرة ان النبي صلعم عرض على قوم اليمين فاسرعوا فامر ان يسهم بينهم في اليمين ايهم يحلف - (البخاري)

76. **Amr-b-Shuaib** reported from his father from his grandfather that the Messenger of Allah said: Proof is upon the plaintiff and oath is upon the defendant. —*Tirmizi.*

عن عمرو بن شعيب عن ابيه عن جده ان النبي صلعم قال البينة على المدعي و اليمين على المدعى عليه * (الترمذي)

77. **Omme-Salamah** reported from the Messenger of Allah, who said that two persons quarrelled before him about their heritage without having any proof for them except their claims. He said: To whomsoever I give a decree for anything out of the rights of his brother, I cut a slice of the fire for him.

عن ام سلمة عن النبي صلعم في رجلين اختصما اليه في مواريث لم تكن لهما بينة الا دعواهما فقال من قضيت له بشيء من حق اخيه فانما

1284. This shows that the latter people will be too fond of litigations, giving depositions and taking oaths. This tradition pronounces that the best of the people among the Muslims were the Prophet's companions and the subsequent two generations called Tabeyins and Tab'ye-Tabeyins.

The two men, each of them both, said: O Messenger of Allah! this right of mine is for my companion. 'No' he said, 'but retire you both, and divide among yourselves and take the right as between two brothers and then divide it into two portions, and each of you should then make it lawful for his companion out of you both. In a narration: He said: I decide between you both with my decision about what has not been revealed over me. —*Abu Daud.*

اقطع له قطعة من النار فقال الرجلان كل واحد منهما يا رسول الله حقي هذا لصاحبي فقال لا ولكن اذهبا فاقتسما وتوخيا الحق ثم استهما ثم ليحلل كل واحد منكما صاحبه وفي رواية قال انما اقضي بينكما برائي فيما لم ينزل علي فيه * (ابوداود)

78. **Abu Musa al-Ash'ari** reported that two men claimed a camel during the time of the Messenger of Allah. Each of them sent two witnesses. The Holy Prophet divided it between them half by half. —*Abu Daud.*

عن ابي موسى الاشعري ان رجلين ادعيا بعيرا على عهد رسول الله صلعم فبعث كل واحد منهما شاهدين فقسمه النبي صلعم بينهما نصفين * (ابوداود)

79. **Abu Hurairah** reported that two men disputed about a beast without having any proof for them. The Prophet said: Divide it between them both upon an oath. —*Abu Daud, Ibn Majah.*

عن ابي هريرة ان رجلين اختصما في دابة وليس لهما بينة قال النبي صلعم استهما على اليمين * (ابوداود وابن ماجة)

80. **Ibn Abbas** reported that the Messenger of Allah said to a man who took oath before him: Take oath in the name of Allah who is "There is no god but Allah". There is nothing for him, that is the claimant, in your possession. —*Abu Daud.*

عن ابن عباس ان النبي صلعم قال لرجل حلفه احلف بالله الذي لا اله الا هو ما له عندك شيء يعني للمدعي * (ابوداود)

81. **Al-Ash'as-b-Qais** reported: There was a land belonging to me and one of the Jews. He denied it to me. So I took him before the Messenger of Allah. He asked: Have you got proof? 'No' said he. He asked the Jew: Take oath. I said: O Ms. of Allah, in that case he will swear and will go away with my property. Then the Almighty Allah revealed: Those who purchase the covenant of Allah and their oath for a small price—the verse. [1285]

—*Abu Daud, Ibn Majah.*

عن الأشعث بن قيس قال كان بيني وبين رجل من اليهود أرض فجحدني فقدمته إلى النبي صلعم فقال ألك بينة قلت لا قال لليهودي احلف قلت يا رسول الله إذا يحلف فيذهب بمالي فأنزل الله تعالى إن الذين يشترون بعهد الله وأيمانهم ثمنا قليلا الآية * (أبوداود وابن ماجة)

82. **Same** reported that a man of Kindah and a man of Hazramaut quarrelled before the Ms. of Allah regarding a land in Yemen. The man of Hazramaut said: O Ms. of Allah, verily my land has been usurped by force by the father of this man, and it is now in his possession. He asked: Have you proof? 'No' said he, 'but I shall administer him an oath. By Allah, he does not know that the land is mine. His father took it from me by force'. The man of Kindah was about to take oath when the Ms. of Allah said: Nobody shall take away a property by oath but will meet with Allah with hands

عنه أن رجلا من كندة ورجلا من حضرموت اختصما إلى رسول الله صلعم في أرض من اليمن فقال الحضرمي يا رسول الله إن أرضي اغتصبنيها أبو هذا وهي في يده قال هل لك بينة قال لا ولكن أحلفه والله ما يعلم أنها أرضي اغتصبنيها أبوه فتهيأ الكندي لليمين فقال رسول الله صلعم لا يقتطع أحد مالا بيمين إلا لقي الله وهو

1285. This is verse 3.76 of the Quran.

cut off. The man of Kindah said: That is his land.

—*Abu Daud*,

أَجْذَمُ فَقَالَ الْكِنْدِيُّ هِيَ أَرْضُهُ ‪*‬

(أَبُودَاوُدَ)

83. **Abdullah-b-Onais** reported that the Messenger of Allah said: The greatest of the great sins—setting up partnership with Allah, and disobedience to parents, and false oath, and what a servant swears in the name of Allah a deliberate false swearing and enters therein (claim of) even like the wing of a gnat—will be but made a black spot in his heart up to the Resurrection Day.

—*Tirmizi (Rare)*.

عَنْ عَبْدِ اللهِ ابْنِ أُنَيْسٍ قَالَ قَالَ رَسُولُ اللهِ صلعم إِنَّ مِنْ أَكْبَرِ الْكَبَائِرِ الشِّرْكَ بِاللهِ وَعُقُوقَ الْوَالِدَيْنِ وَالْيَمِينَ الْغَمُوسَ وَمَا حَلَفَ حَالِفٌ بِاللهِ يَمِينَ صَبْرٍ فَأَدْخَلَ فِيهَا مِثْلَ جَنَاحِ بَعُوضَةٍ إِلَّا جُعِلَتْ نُكْتَةً فِي قَلْبِهِ إِلَى يَوْمِ الْقِيمَةِ ‪*‬

(التِّرْمِذِيُّ (غَرِيبٌ)

84. **Jaber** reported that the Prophet said: None shall swear near this pulpit of mine a false oath although it be for a green tooth-stick, but will prepare for himself a sitting place in the fire, or the fire will become sure for him.

—*Malek, Abu Daud, Ibn Majah*.

عَنْ جَابِرٍ قَالَ قَالَ رَسُولُ اللهِ صلعم لَا يَحْلِفُ أَحَدٌ عِنْدَ مِنْبَرِي هٰذَا عَلَى يَمِينٍ آثِمَةٍ وَلَوْ عَلَى سِوَاكٍ أَخْضَرَ إِلَّا تَبَوَّءَ مَقْعَدَهُ مِنَ النَّارِ أَوْ وَجَبَتْ لَهُ النَّارُ ‪*‬

(مَالِكٌ وَأَبُودَاوُدَ وَابْنُ مَاجَةَ)

SECTION 9

1286. Inadmissible Evidence

[See note 1281]

85. **Kheram-b-Fatek** reported that the Messenger of Allah prayed the morning prayer. When he finished, he stood and said: False evidence has been made the same as to set up

عَنْ خُرَيْمِ بْنِ فَاتِكٍ قَالَ صَلَّى رَسُولُ اللهِ صلعم صَلٰوةَ الصُّبْحِ فَلَمَّا انْصَرَفَ قَامَ قَائِمًا فَقَالَ عُدِلَتْ شَهَادَةُ الزُّورِ بِالْإِشْرَاكِ

a partner with Allah. He repeated this thrice. Then he read: Avoid worship of idols and avoid false depositions, being sincere for Allah, without setting up a partner for Him. —*Abu Daud, IbnMajah, Ahmad, Tirmizi.*

بالله ثلاث مرات ثم قرأ فاجتنبوا الرجس من الأوثان واجتنبوا قول الزور حنفاء لله غير مشركين به *

(ابوداود وابن ماجة احمد والترمذي)

86. **Ayesha** reported that the Messenger of Allah said: The deposition of a treacherous man and a treacherous woman is not admissible, nor of a man who has been whipped for an ordained crime, nor of a man who has enmity with his brother, nor of a slave who attributes his freedom to a stranger, nor of a relative, nor of a man who is pleased with the members of his family.[1287] —*Tirmizi (Rare).*

عن عائشة قالت قال رسول الله صلعم لا تجوز شهادة خائن ولا خائنة ولا مجلود حدا ولا ذي غمر على اخيه ولا ظنين في ولاء ولا قرابة ولا القانع مع أهل البيت * الترمذي (غريب)

87. **Amr-b-Shuaib** reported from his father from his grandfather that the Messenger of Allah said: Deposition of a treacherous man or a woman is not lawful, nor of a fornicator or a fornicatress, nor of a man having enmity with his brother. He also rejected the deposition of a man who is pleased with the members of his family. —*Abu Daud.*

عن عمرو ابن شعيب عن ابيه عن جده عن النبي صلعم قال لا تجوز شهادة خائن ولا خائنة ولا زان ولا زانية ولا ذي غمر على اخيه ورد شهادة القانع لاهل البيت *

(ابوداود)

1287. One sentenced cannot lawfully depose. Imam Abu Hanifa holds that even after repentance, his evidence is not admissible while the other three Imams hold the contrary. An enemy's deposition is not acceptable. A slave who attributes his freedom to another than the rightful man cannot lawfully depose. The last sentence means that a father cannot depose for a son or vice versa, or a master for a slave or vice-versa. The reason is that it will innure to the benefit of the deponent.

88. **Abu Hurairah** reported that the Messenger of Allah said: The deposition of a village man is not permissible against the dweller of a town.[1288] —*Abu Daud.*

عن ابي هريرة عن رسول الله صلعم قال لا تجوز شهادة بدوي على صاحب قرية * (ابوداود و ابن ماجة)

89. **Auf-b-Malek** reported that the Prophet gave a decree between two men. The man against whom judgment was passed said when he went behind: Allah is sufficient for me! How good is the One trusted! The Prophet said: Verily the Almighty Allah rebukes for weakness, but you should take recourse to the contrary. So when an affair overcomes you, say: Allah is sufficient for me! and how good is the One trusted. —*Abu Daud.*

عن عوف بن مالك ان النبي صلعم قضى بين رجلين فقال المقضي عليه لما ادبر حسبي الله ونعم الوكيل فقال النبي صلعم ان الله تعالى يلوم على العجز ولكن عليك بالكيس فاذا غلبك امر فقل حسبي الله ونعم الوكيل * (ابوداود)

90. **Bahaz-b-Hakim** reported that the Prophet imprisoned a man for slander. *Abu Daud narrated it. Tirmizi and Nisai added*: Then he set him free.

عن بهز بن حكيم عن جده ان النبي صلعم حبس رجلا في تهمة رواه ابوداود وزاد الترمذي و النسائي ثم خلى عنه ـ

91 **Abdullah-b-Zubair** reported that the Messenger of Allah gave decision that two disputants would remain sitting in presence of the judge. —*Ahmad, Abu Daud.*

عن عبد الله بن الزبير قال قضى رسول الله صلعم ان الخصمين يقعدان بين يدي الحاكم ـ (احمد و ابوداود)

376w. **Jaber-b-Abdullah** reported that two men claimed a a beast. Each of them adduced proof that the beast was his

عن جابر بن عبد الله ان رجلين تداعيا دابة و اقام كل واحد منهما

1288. This is held lawful by three Imams while Imam Malek follows this tradition.

which he trained. Then the Messenger of Allah gave decision about it on behalf of that man in whose possession it was. —*Sharhi Sunnat.*

البينة انها دابته نتجها فتقضى بها رسول الله صلعم للذي في يده - (شرح السنة)

SECTION 10

1289. Provisions of Govt. officers

Government servants are as a rule debarred from following any vocation of life. Hence justice requires that they must be given provisions for the maintenance of themselves and their families. The Prophet laid instructions for their salaries. In addition, each of them must be given, according to the Prophet's instructions, a free quarter to live in, an orderly to help him and a wife to keep him morally strong. Besides these and other incidental expenses, nothing is allowed to them. If they take anything other than that, it will be considered as bribery. Whatever an officer gets, little or much, must be deposited in the State Exchequer. In default, he will be committing breach of trust.

92. **Abu Hurairah** reported that the Prophet said: I shall neither pay you, nor shall I deny you. I am a divider (of provisions). I place where I have ben ordered (to place).[1290] —*Bukhari.*

عن ابي هريرة قال قال رسول الله صلعم ما اعطيكم ولا امنعكم انا قاسم اضع حيث امرت - (البخاري)

93. **Khaulah al-Ansariyyah** reported that the Prophet said: Verily there are men who spend extravagantly the properties

عن خولة الانصارية قالت قال رسول الله صلعم ان رجالا يتخوضون في مال

190. This was uttered at the time when the Prophet was distributing wealth among his companions. He said that he does not distribute, or deny, or decrease or increase in division but by the dictation of the Almighty.

of Allah without just cause. There is the fire for them on the Resurrection Day. 1291 —*Bukhari*.

اللّٰهِ بِغَيْرِ حَقٍّ فَلَهُمُ النَّارُ يَوْمَ الْقِيٰمَةِ * (البخاري)

94 **Ayesha** reported that when Abu Bakr became Caliph, he said: My people know indeed that my trade was not insufficient for provision of my family. I am now engaged in the affairs of the Muslims. The family of Abu Bakr will soon be maintained from this property, and he will spend it for the Muslims. 1292 —*Bukhari*.

عَنْ عَائِشَةَ قَالَتْ لَمَّا اسْتُخْلِفَ أَبُوبَكْرٍ قَالَ لَقَدْ عَلِمَ قَوْمِي أَنَّ حِرْفَتِي لَمْ تَكُنْ تَعْجِزُ عَنْ مَؤُنَةِ أَهْلِي وَشُغِلْتُ بِأَمْرِ الْمُسْلِمِينَ فَسَيَأْكُلُ آلُ أَبِي بَكْرٍ مِنْ هٰذَا الْمَالِ وَيَحْتَرِفُ الْمُسْلِمِينَ فِيهِ * (البخاري)

95. **Boraidah** reported that the Messenger of Allah said: Whomsoever we appoint over an affair, we shall give him provision. What he takes after that is breach of trust. —*Abu Daud*.

عَنْ بُرَيْدَةَ عَنِ النَّبِيِّ صلعم قَالَ مَنِ اسْتَعْمَلْنَاهُ عَلٰى عَمَلٍ فَرَزَقْنَاهُ رِزْقًا فَمَا أَخَذَ بَعْدَ ذٰلِكَ فَهُوَ غُلُولٌ ۔ (ابوداود)

96. **Mua'z** reported: The Ms. of Allah sent me to Yemen. When I took the journey, he sent after my footstep and I was made to return. He said: Do you know why I have sent for you? You must not take anything without my permission, because that will be a breach of trust. Whoso commits breach of trust

عَنْ مُعَاذٍ قَالَ بَعَثَنِي رَسُولُ اللّٰهِ صلعم إِلَى الْيَمَنِ فَلَمَّا سِرْتُ أَرْسَلَ فِي أَثَرِي فَرُدِدْتُ فَقَالَ أَتَدْرِي لِمَ بَعَثْتُ إِلَيْكَ لَا تُصِيبَنَّ شَيْئًا بِغَيْرِ إِذْنِي فَإِنَّهُ غُلُولٌ وَمَنْ يَغْلُلْ يَأْتِ بِمَا غَلَّ يَوْمَ

1291. This was to prevent the people to take any property from the Public Treasury without the permission of the Imam.

1292. Hazat Abu Bakr carried on cloth business to maintain his family. When he took the reins of government, he could not turn his attention to his business and hence he was allowed some provision from the Treasury.

will come on the Resurrection Day with what he committed breach of trust; for this, I have called you. Go now with your appointment. —*Tirmizi*

97. **Mustaored-b-Shaddad** reported: I heard the Messenger of Allah say: Whoso is an officer of ours, let him take a a wife; and if he has got no servant, let him take a servant; and if he has got no house, let him take a house. *In another narration*: Whoso takes besides that, is one who commits breach of trust. 1293 —*Abu Daud*.

98. **Adi-b-Amirah** reported that the Messenger of Allah said: O you men! whoever of you is appointed to a work for us and then conceals from us even a needle therefrom, or what is above it, is a treacherous man. He will come therewith on the Resurrection Day. A man from among the Ansars got up and said: O Ms. of Allah! Accept your appoitment from me. He asked: What is that? He said: I have heard you say such and such. He said: I am saying that: "Whoso is appointed to a post by us, let him

القيمة لهذا دعوتك فامض بعملك *

(الترمذي)

عن المستورد بن شداد قال سمعت

النبي صلعم يقول من كان لنا عاملا

فليكتسب زوجة فإن لم يكن له خادم

فليكتسب خادما فإن لم يكن له

مسكن فليكتسب مسكنا وفي رواية

من اتخذ غير ذلك فهو غال - (ابوداود)

عن عدي بن عميرة ان رسول الله

صلعم قال يا ايها الناس من عمل منكم

لنا على عمل فكتمنا منه مخيطا فما

فوقه فهو غال ياتي به يوم القيمة فقام

رجل من الانصار فقال يا رسول الله اقبل

عني عملك قال وما ذاك قال سمعتك

تقول كذا وكذا قال وانا اقول ذلك

1293. This means that none should take greater amount than his needs from the Baitul Mal or Public Treasury. It is very difficult for a king to distinguish between deserving and undeserving persons for help. So every beggar should be provided from the Public Treasury according to needs.

come with his little and his much. Then he shall take what is given to him therefrom, and he shall desist from what is denied to him therefrom". 1294 —*Muslim, Abu Daud.*

مَنِ اسْتَعْمَلْنَاهُ عَلَى عَمَلٍ فَلْيَأْتِ بِقَلِيلِهِ وَكَثِيرِهِ فَمَا أُوتِيَ مِنْهُ أَخَذَهُ وَمَا نُهِيَ عَنْهُ انْتَهَى * (مسلم و ابوداود)

99. **Amr-b-al A's** reported: The Messenger of Allah sent (one) to me: Gather your arms and dresses and and then come to me. He said: I came to him while he was making ablution. He said: O Amr! verily I sent for you in order to despatch you to a place. May Allah keep you in sound health and give you booty! I give you also an incentive for property. I said: O Ms. of Allah, my emigration use not for property, and it was not but for Allah and His Prophet. He said: Excellent is pure property for a pure man. 1295

—*Sharhi Sunnat, Ahmad.*

عَنْ عَمْرِو بْنِ الْعَاصِ قَالَ أَرْسَلَ إِلَيَّ رَسُولُ اللهِ صلعم أَنِ اجْمَعْ عَلَيْكَ سِلَاحَكَ وَثِيَابَكَ ثُمَّ ائْتِنِي فَقَالَ فَأَتَيْتُهُ وَهُوَ يَتَوَضَّأُ فَقَالَ يَا عَمْرُو إِنِّي أَرْسَلْتُ إِلَيْكَ لِأَبْعَثَكَ فِي وَجْهٍ يُسَلِّمُكَ اللهُ وَيُغْنِمُكَ وَأَرْغَبُ لَكَ رَغْبَةً مِنَ الْمَالِ فَقُلْتُ يَا رَسُولَ اللهِ مَا كَانَتْ هِجْرَتِي لِلْمَالِ وَمَا كَانَتْ إِلَّا لِلّٰهِ وَرَسُولِهِ قَالَ نِعِمَّا بِالْمَالِ الصَّالِحِ لِلرَّجُلِ الصَّالِحِ * (شرح السنة و احمد)

1294. Hazrat Abu Bakr used to sell clothes, Hazrat Omar food-stuffs, Osman dates and Abbas otto. Thus they maintained their families. Hazrat Abu Bakr was the first Caliph. He was therefore engaged in the administration of the Estate. In the fitness of things therefore, he sought to draw an allowance from the Public Treasury.

1295. At the time of the Prophet, Government officers had no fixed salary, but they were allowed to take their expenses of bare necessaries of life from the Public Treasury. Bare necessaries included a house to live in, one servant, one wife, and household expenses.

CHAPTER XXVII

SECTION 1

1296. Marriage

(a) **Marriage**. Marriage is the union of two souls for love and two bodies for procreation and legalising of children. Man is free and therefore, it is argued, that he can claim a free intercourse with every woman. If this theory is accepted, it will mean disorder and chaos in the society leading ultimately to destruction of human civilization. In that case, he is nothing but only a beast. The limitation to free love and free intercourse by marriage is for the ultimate benefit of human development as a whole and particularly for the progress of human civilization. Marriage engenders love at first for wife, then for children, then for kith and kin, then for the society and ultimately for the human race as a whole. The real unit of human civilization is the family and there can be no family if there is no marriage. 'Free love' creates no responsibility, no ownership of property and no kith and kin. If free love is allowed indiscriminately and lasts for nearly a century, the world will be a field of chaos, blood-shed and social disorder of the first magnitude.

(b) **Benefits of marriage**. Marriage contributes to many-sided progress of a man, physical, mental, social, moral and spiritual. In an unmarried stage, these things can not be achieved in all perfections. There is therefore a great deal of distinction between a bachelor and a married man, or an unmarried woman and a married woman.

(1) **Physical benefit.** We see daily around us how a man was erewhile sickly and suffering from various diseases but as soon as he got married, his diseases generally disappeared within a short time. This is also true in case of girls and women. Marriage is, therefore, the best medicine for certain kinds of diseases in grown-up men and girls. It also contributes to the physical beauty of the married couple.

(2) **Mental benefit.** Marriage gives peace of mind. The Holy Holy Quran says: And out of His signs there is that He creates mates for you from yourselves, that you may find peace of mind in them; and He put between you love and compassion. Surely there are signs in this for a people who reflect (30:21Q). By marriage, an idle man is turned to an active man, a spend-thrift prugal and the hard-hearted kind. It is therefore a harbinger of new thoughts, ideas, responsibilities and obligations. It sets up the mind to thoughts and actions which were dormant before marriage.

(3) **Social benefit.** Marriage creates a family consisting of children and wife. Families create society and the progress of a family means the progress of the society. Marrige creates a new company of kith and kin, because sons and daughters go to create new families. Hospitalities, fellow-feeling, kindness and mutual help become binding among these relations. Marriage therefore gives impetus to what is called "Social virtues". Marriage gives the rights of inheritance and ownership in property to the nearest relations. The Quran therefore says: And He it is who has created man from water, and then He has made for him blood and marriage relationships—25:54Q.

(4) **Moral benefit.** Marriage is a great medicine for checking unruly sexual passions and falling to sins and crimes. The Holy Prophet said: It shuts up eye-sight and guards private parts (17:1). It is well-known that out of sexual passions, many great sins are committed in this world. If it is satisfied by marriage, many a crime will disappear from the world. It contributes thus to moral welfare of individuals, families and societies.

(5) **Spiritul benefit** Moral progress leads to spiritual progress which then leads ultimately to the Blessed Company.

(c) **Harms of marriage.** The following are some of the harms that may possibly arise out of marriage.

(1) The married man becomes rather weak in lawful earnings as he is required to meet the increased needs of a family life.

(2) He is to look after the maintenance, education and other necessary things of the family which he was not bound to do before marriage.

(3) A great strain is put upon him by the wife and the members of the family in the form of sufferings and mental anxieties in many ways.

(d) **What is true renunciation ?** Is it not to marry ? The answer is simply an emphatic no. The instict of passion is provided by nature not only in man but in all animals, so that by procreation of children and animals, the world can go on from years to years. Go against nature and you will certainly pay the penalty of your rash action. See plants. They are provided with flowers and with portions like generative organs. Insects come, dive inside flowers to gather honey, come out covered with some powder called 'pollen' and go unto other flowers mixing pistil into them and thus there arises fecundatton of seeds. All the religious presonalities except Jesus Christ were married to one woman or more. Unless marriage is contracted, nature must satisfy itself by unnatural means—muster bation, pollution etc. which are highly injurious to heath. Once three men praying throughout the night and fasting all day long came to the Holy Prophet. He instructed them to marry in order to have perfection—1:76. True renunciation is to marry and then to remain aloof from attachment of the world.

(e) **Marriage in Islam.** A Muslim marriage is a civil contract based on mutual consent of the bride and bridegrom, as distinguished from the sacramental form of marriage. Most of the incidents of contract are consequently applicable to such a marriage, for example, consideration of marriage in the form of dower, breach of the contract by divorce, giving of legal rights and obligations on the contractual parties, and bestowing no greater power on the husband than what the contract provides in a lawful manner. A Muslim marriage requires no priest and no sacramental rights. At best, the registration of mutual consent may be done. A woman has got absolute right in her acquired properties before and after her marriage. In addition, she has a distict lien upon her husband's property for her ante-nuptial settlements.

(f) **Nature of injunctions for marriage.** The Quran gives the order of marriage in the following verse : And marry those among you who are single and those who are fit among your male slaves and your female slaves. If they are needy, Allah will save them

from want out of His grace. And Allah is Ample-giving, Kind. And tell those who do not find a match to keep chaste until Allah makes them free from want out of His grace—24:30Q. It appears from the above verses that marriage is the natural law. It may be delayed for two reasons, for not finding a suitable match and for finding no means wherewith to maintain her. If the conditions are removed with the finding of a match and also the means of maintenance, God's direction is then to contract a marriage. The reason given is "that you may not deviate from the right course—4:3Q". The jurists have, however, laid down the following rules. When the sexual passion is so strong that there is every chance of a man falling into sin, marriage then becomes Farz (binding). When the sexual passion is very strong, marriage is *Wajeb*. When the passion remains in normal degree, it is *Sunnat Muakkadah*. Marriage becomes *Makruh* when there are no means for maintenance and when no suitable match is found.

عن عائشة قالت تزوجني رسول الله صلعم في شوال وبنى لي في شوال فأي نساء رسول الله صلعم كان أحظى عنده مني * (مسلم)

1. **Ayesha** reported: The Messenger of Allah married me in Shawwal and took me for consummation in Shawwal. So who is a more fortunate wife out of the wives of the Prophet than myself? 1297 —*Muslim.*

عن أبي هريرة قال قال رسول الله صلعم لا يخطب الرجل على خطبة أخيه حتى ينكح أو يترك ۔ (متفق عليه)

2. **Abu Hurairah** reported that the Messenger of Allah said: No man shall seek in marriage upon the seeking of his brother until he marries or leaves. 1298 —*Agreed.*

عن عبد الله ابن مسعود قال قال

3. **Abdullah-b-Mas'ud** reported that the Prophet said: O

1297. Hazrat Ayesha was married to the Prophet in the month Shawwal and she was taken to the Prophet's company some years after in the month of Shawwal. So some hold that celebration of marriage in this month is Mustahab or laudable.

1298. This means that none should seek the hand of one in marriage who has already been sought by another Muslim. He is however allowed if the former candidate finally leaves the negotiation.

assembly of youths! Let him marry who amongst you is able to have sexual intercourse, and verily it greatly shuts up eye-sight and protects private parts. And whoso is not able, he should keep fast; and verily it is (as it were) castration for him.[1299]

رسول الله صلعم يا معشر الشباب من استطاع منكم الباءة فليتزوج فانه اغض للبصر واحصن للفرج ومن لم يستطع فعليه بالصوم فانه له وجاء *

(متفق عليه)

4. **Sa'ad-b-Abi Waqqas** reported that the Messenger of Allah rejected the celibacy of Osman-b-Maz'un. Had he given him permission, we would certainly have undergone castration.[1300]

—*Agreed.*

عن سعد بن ابي وقاص قال رد رسول الله صلعم على عثمان ابن مظعون التبتل ولو اذن له لاختصينا .

(متفق عليه)

5. **Ibn Abbas** reported that the Messenger of Allah said: For two mutual lovers, you will find nothing like marriage.

—*Ibn Majah.*

عن ابن عباس قال قال رسول الله صلعم لم نر للمتحابين مثل النكاح .

(ابن ماجة)

6. **Anas** reported that the Messenger of Allah said: Whoso wishes to meet Allah pure and purified, let him marry free women. —*Ibn Majah.*

عن انس قال قال رسول الله صلعم من اراد ان يلقى الله طاهرا مطهرا فليتزوج الحرائر . (ابن ماجة)

377w. **Anas** reported that the Messenger of Allah said: When a man has married, he has indeed made his religion half perfect.

عن انس قال قال رسول الله صلعم اذا تزوج العبد فقد استكمل نصف

1299. According to Imam Abu Hanifa, the age of strong sexual passion is up to 40 years; and according to Imam Shafeyi, it is up to 50 years. It seems, however, that passion varies in different degrees in different men and as such no age can be fixed reasonably during which there remains the sexual urge.

1300. 'Tabattal' is to remain aloof from marriage-tie and from society of women in any shape or form. It was a practice of a section of the Christians who practised

Then let him fear Allah for the remaining half. 1801

الدين فليتق الله في نصف الباقي . (البيهقي)

378w. **Ayesha** reported that the Messenger of Allah said; The greatest blessing in marriage is that of one which gives the least trouble. 1802 *Baihaqi.*

عن عائشة قالت قال رسول الله صلعم إن أعظم النكاح بركة أيسره مؤنة . (البيهقي)

379w. **Abu Sayeed and Ibn Abbas** reported that the Messenger of Allah said; Whoso has got a son born unto him, let him give him a good name and good manners. When he attains maturity, let him be married. If he attains maturity, and he does not get him married, and then he commits sin, his sin will fall upon his father.

—*Baihaqi.*

عن أبي سعيد و ابن عباس قالا قال رسول الله صلعم من ولد له ولد فليحسن اسمه و أدبه فإذا بلغ فليزوجه فإن بلغ ولم يزوجه فأصاب إثما فإنما إثمه على أبيه . (البيهقي)

380w. **Omar-b-al-Khattab** and Anas-b-Malek reported from the Apostle of Allah who said; There is written in the Torah—Whoso's daughter reaches 12 years and he does not give her in marriage and she commits sin, that sin falls upon him.

—*Baihaqi.*

عن عمر بن الخطاب و أنس ابن مالك عن رسول الله صلعم قال في التوراة مكتوب من بلغت ابنته اثنتي عشرة سنة و لم يزوجها فأصابت إثما فإثم ذلك عليه * (البيهقي)

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absolute monasticism. The Holy Prophet rejected it as opposed to human nature. Imam Abu Hanifa holds that marrige life is better for piety.

1801. Private parts and belley are the two principal doors of sins. The one is greatly saved by marriage and another by suitable provision in life.

1802. This is with regard to the amount of dower, clothes and other expenses.

SECTION 2

1333. Things to be sought in marriage.

The foremost qualification of a bride is as the Quran says; Marry such women as seem good to you---4:3(). It appears therefore that the bridegroom and the bride's mutual choice has got the greatest consideration. If this is lacking though there are other qualifications, marriage should not be contracted as, after all, marriage is the union of two souls and unless they are pleased with each other, the very purpose of marriage is frustrated. In traditions, we find that the following qualifications of a bride should be sought. The bride should be (1) a Muslim, (2) chaste (27:(), (3) virgin (27:10(, (4) beautiful, (5) accomplished, (6) having sweet tongue and good manners, (7) possessing property, (8) having child-bearing capacity and affectionate nature and (9) equal respectibility. According to Hanifi Law, equality is an important condition of marriage in points of family, religion, freedom, character, fortune and profession, because the desirable ends of marriage, such as cohabitation, society and friendship, cannot be completely enjoyed excepting by persons who are each other's equals, as a woman of high rank and family would abhor society and cohabitation with a mean man.

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7. Abu Hurairah reported: A woman is married for four things; for her property, for her accomplishments, for her beauty and for her religion. Select one having religious temperament. May your hands be rubbed with dust! 1304

—*Agreed.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم تُنْكَحُ الْمَرْأَةُ لِأَرْبَعٍ لِمَالِهَا وَلِحَسَبِهَا وَلِجَمَالِهَا وَلِدِينِهَا فَاظْفَرْ بِذَاتِ الدِّينِ تَرِبَتْ يَدَاكَ * (مُتَّفَقٌ عَلَيْهِ)

1304. A woman is queen of the household (25:1). In order to justify her conduct as queen, she must have principally two virtues—affection for children and their upbringing, and responsibility for her husband's properties vested in her charge.

8. **Abu Hurairah** reported that the Apostle of Allah said: The best women are those that ride on camels, the virgin women of the Quraish, most affectionate to children in infancy and most dutiful towards husbands regarding properties in their (husband's) possession [1805] —*Agreed.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم خَيْرُ نِسَاءٍ رَكِبْنَ الْإِبِلَ صَالِحُ نِسَاءِ قُرَيْشٍ أَحْنَاهُ عَلَى وَلَدٍ فِي صِغَرِهِ وَأَرْعَاهُ عَلَى زَوْجٍ فِي ذَاتِ يَدِهِ . (مُتَّفَقٌ عَلَيْهِ)

9. **Same** reported that the Apostle of Allah said: When you are sought in marriage by one whom you are pleased with for his religion and for his character, get yourself married to him. If you do not do it, there will be distress in the world and widespread dissension. [1806] —*Tirmizi.*

عَنْهُ قَالَ قَالَ رَسُولُ اللهِ صلعم إِذَا خَطَبَ إِلَيْكُمْ مَنْ تَرْضَوْنَ دِينَهُ وَخُلُقَهُ فَزَوِّجُوهُ إِنْ لَا تَفْعَلُوهُ تَكُنْ فِتْنَةٌ فِي الْأَرْضِ وَفَسَادٌ عَرِيضٌ . (التِّرْمِذِيُّ)

10. **Jaber** reported: We were with the Prophet in a battle. When we returned in a caravan, we came near Medina. I said to the Prophet: O Ms. of Allah! verily I have been newly married to a bride. He asked: Have you married? 'Yes' said I. He asked: Whether a virgin or a widow? I said: Rather a widow. He said: Why not a virgin, so that you may play with her

عَنْ جَابِرٍ قَالَ كُنَّا مَعَ النَّبِيِّ صلعم فِي غَزْوَةٍ فَلَمَّا قَفَلْنَا كُنَّا قَرِيبًا مِنَ الْمَدِينَةِ قُلْتُ يَا رَسُولَ اللهِ إِنِّي حَدِيثُ عَهْدٍ بِعُرْسٍ قَالَ تَزَوَّجْتَ قُلْتُ نَعَمْ قَالَ أَبِكْرٌ أَمْ ثَيِّبٌ قُلْتُ بَلْ ثَيِّبٌ قَالَ فَهَلَّا بِكْرًا تُلَاعِبُهَا وَتُلَاعِبُكَ فَلَمَّا قَدِمْنَا

1805. Domestic happiness is the best happiness for a man. A family is happy in which there is this domestic happiness. This world consists of families. If there is chaos in families, there is chaos in the world. In order to prevent it, the wife must be virtuous and dutiful.

1806. Men select a bride or bridegroom after consideration of these four things, but they should attach more importance to their religious temperaments than to other qualities.

and she may play with you. When we arrived, we wished to go to our houses. He said : Wait till we enter into night, that is night prayer so that one dishevelled in hair may comb her hairs and remove the hairs of private parts. —*Agreed.*

ذَهَبْنَا لِنَدْخُلَ فَقَالَ أَمْهِلُوا حَتَّى نَدْخُلَ لَيْلًا أَيْ عِشَاءً لِكَيْ تَمْتَشِطَ الشَّعِثَةُ وَتَسْتَحِدَّ الْمُغِيبَةُ * (مُتَّفَقٌ عَلَيْهِ)

11. **Ma'qal-b-Yasar** reported that the Apostle or Allah said : Marry such women as are affectionate, child-producing ; and verily I shall be an instrument in increasing your members among the nations.

—*Abu Daud, Nisai.*

عَنْ مَعْقِلِ بْنِ يَسَارٍ قَالَ قَالَ رَسُولُ اللهِ صلعم تَزَوَّجُوا الْوَدُودَ الْوَلُودَ فَإِنِّي مُكَاثِرٌ بِكُمُ الْأُمَمَ * (أَبُو دَاوُدَ وَالنَّسَائِيُّ)

12. **Abdur Rahman-b-Salem** reported that the Apostle of Allah said : You should marry virgins, and verily they are sweeter in tongue, more prolific in wombs and more easily satisfied with little. —*Ibn Majah (Defective).*

عَنْ عَبْدِ الرَّحْمٰنِ قَالَ قَالَ رَسُولُ اللهِ صلعم عَلَيْكُمْ بِالْأَبْكَارِ فَإِنَّهُنَّ أَعْذَبُ أَفْوَاهًا وَأَنْتَقُ أَرْحَامًا وَأَرْضَى بِالْيَسِيرِ * ابْنُ مَاجَةَ (مُرْسَلًا)

SECTION 3

1307. Females unlawful for marriage.

The females prohibited for marriage are the following. The Quran says (4:23Q) : Forbidden to you are your (1) mothers, (2) and your daughters, (3) and your sisters, (4) and your paternal aunts, (5) and your maternal aunts (6) brother,s daughters, (7) and sister's daughters, (8) and your mothers that have suckled you, (9) and your foster sisters, (10) and mothers of your wives (11) and your step daughters who are in your guardianship born of your wives to whom you have gone in, but if you have not gone in to them, there is no blame on you, (12) and the wives of your sons who are

of your own loins, (13) and that you should have two sisters together except what has already passed, (14) and all married women except those whom your right hands possess. These are fourteen females that have been prohibited for marriage. Fiqh or Islamic Jurisprudence has enlarged the scope and the Hedayah expanded these prohibitions and classed them into three groups: Prohibition owing to (i) consanguinity, (ii) fosterage, (iii) and affinity. (i) Mother includes all females ascendants both in the male and the female line i.e. father's and mother's sides; daughter includes all female descendants howlowsoever i.e. daughter of son, or daughter of daughter etc. Father's sister and mother's sister include grand father's and grand mother's sisters and so on.

(ii) The female relations that are prohibited for marriage on account of consanguinity are prohibited also on account of fosterage. There are certain exceptions to this rule which will be found in the Hedayah, Durre-Mukhtar or Mr. Ameer Ali's Mohammadan law. There is difference of opinion as what constitutes forterage. The child is considered as suckling up to the age of two years. The Quran says: And the mothers should suckle their children for two complete years to make complete the time of suckling—2:233Q.

(iii) The relation on account of marriage affinity are like those on account of consanquinity. Thus wife's mother includes wife's grand mother and so on; daughter includes her daughter's daughter. Step mother are also prohibited as the Quran says: Marry no women whom your fathers married.

There is another prohibition. A Muslim cannot marry an idolatress. The Quran says: And do not marry the idolatresses until they believe; and certainly a believing slave girl is better than an idolatress even though she would please you, and do not give (believing women) in marriage to idolaters until they believe, and certainly a believing slave is better than an idolater even though he should please you—2:221Q. It appears, however, from another verse that a woman of the people of the Book (Ahli-Kitab) can lawfully be taken in marriage, but no Muslim woman can be given in marriage to a man from the people of the Book. The Quran says: And the chaste from among those who have

been given the Book before you are lawful for you—5:5Q. The people of the Book has been explained by the jurists to be the a Jews and Christians. So a Muslim may marry a Christian or Jewish girl, while a Muslim woman cannot marry a Jew or a Christian. What is the reason of denouncing the idolatresses? The disastrous influence exercised by idolatry over the poeple of the Arabian Penuinsula led the Prophet to do this with the sole object of keeping idolatry absolutely independent out of Islamic body politics. Islam requires that no union should have the introduction of idolatry in a Muslim household. A Muslim woman with a non-Muslim has been forbidden for political reasons. There is another prohibition. Two sisters cannot be married at the same time.

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13. **Abu Hurairah** reported that the Holy Prophet said: A woman and her paternal aunt cannot be united, nor a woman and her maternal aunt. —*Agreed.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم لَا يُجْمَعُ بَيْنَ الْمَرْأَةِ وَعَمَّتِهَا وَلَا بَيْنَ الْمَرْأَةِ وَخَالَتِهَا * (مُتَّفَقٌ عَلَيْهِ)

14. **Ayesha** reported that the Apostle of Allah said: What is unlawful by reason of consanguinity is unlawful by reason of fosterage. —*Bukhari.*

عَنْ عَائِشَةَ قَالَتْ قَالَ رَسُولُ اللهِ صلعم يَحْرُمُ مِنَ الرَّضَاعَةِ مَا يَحْرُمُ مِنَ الْوِلَادَةِ * (الْبُخَارِي)

15. **Same** reported: My uncle returned from fosterage, and sought my permission. I refused to give him permission till I asked the Prophet of Allah. Then the Prophet came and I asked him. He said: He is surely your uncle. Give him permission. I asked him: O

عَنْهَا قَالَتْ جَاءَ عَمِّي مِنَ الرَّضَاعَةِ فَاسْتَأْذَنَ عَلَيَّ فَأَبَيْتُ أَنْ آذَنَ لَهُ حَتَّى أَسْأَلَ رَسُولَ اللهِ صلعم فَجَاءَ رَسُولُ اللهِ صلعم فَسَأَلْتُهُ فَقَالَ إِنَّهُ عَمُّكِ فَأْذَنِي لَهُ فَقُلْتُ يَا رَسُولَ اللهِ إِنَّمَا أَرْضَعَتْنِي

1308. Foster sister, foster mother and foster brother are just the same as one's own sister, mother and brother. Therefore a man cannot marry relations by fosterage.

Ms. of Allah, verily a woman nursed me and no male did so. The Holy Prophet said: He is your uncle, let him come to you. And that was when the screen was drawn over (24:30Q) ns. 1309 —*Agreed.*

المرأة ولم يرضعني الرجل فقال رسول الله صلعم انه عمك فليلج عليك وذلك بعد ما ضرب علينا الحجاب * (متفق عليه)

16. **Ali** reported that he asked: O Ms. of Allah, would you like to have the daughter of your uncle Hamzah, as she is the most beautiful of all the grown-up girls of the Quraish? He said to him: Do you not know that Hamzah is my foster brother, and that Allah prohibited on account of fosterage what he prohibited on account of consanguinity. 1310 —*Muslim.*

عن علي انه قال يارسول الله هل لك في بنت عمك حمزة فانها اجمل فتاة في قريش فقال له اما علمت ان حمزة اخي من الرضاعة وان الله حرم من الرضاعة ما حرم من النسب * (مسلم)

17. **Omme-Fazl** reported that the Apostle of Allah said: Suckling once or twice does not make unlawful (for marriage). *And in a narration of Ayesha:* One sip of milk or two does not make unlawful. 1311

عن ام الفضل قالت ان نبي الله صلعم قال لا تحرم الرضعة او الرضعتان وفي رواية عائشة قال لا تحرم المصة والمصتان - (مسلم)

The same law applies to relations by fosterage and relations by birth regarding marriage.

1309. Her uncle was Aflah, brother of Abul Aqis. As brother's daughter is unlawful for marriage, so foster's brother's daughter is unlawful, but uncle's daughter is not unlawful. Hamzah was uncle and foster brother of the Prophet. Sowaibah, a slave-girl of Abu Lahab, suckled them both. Four women suckled the Prophet—Amina, Halifa, Sowaibah and Omme Aiman.

1310. One or two sips of milk do not make marriage unlawful or gives any right incidental of fosterage. According to Imam Abu Hanifa, one or two sips make marriage unlawful, because the Quran says—'And your mothers who suckled you.' Imam Shafeyi extends the number to five.

1311. Imam Ahmad says from this that one witness is sufficient to establish fosterage, but Imam Abu Hanifa holds that two male witnesses or one male and two female witnesses are necessary.

18. **Ayesha** reported: There were ten well-defined sucklings which made (marriage) unlawful in what was revealed in the Quran. Afterwards five well-defined sucklings were abogated. Thereafter the Messenger Allah died, and that was about which he was reading the Quran. —*Muslim.*

عن عائشة قالت كان فيما أنزل من القرآن عشر رضعات معلومات يحرمن ثم نسخن بخمس معلومات فتوفي رسول الله صلعم وهي فيما يقرأ من القرآن * (مسلم)

19. **Oqbah-b-Hares** reported that he married the daughter of Abu Ehab-b-Abdul Aziz. A woman came and said: I have indeed suckled Oqbah and the girl that is married to him. Oqbah said to her: I don't know that you have suckled me, nor you have informed me. He then sent for Abu Ehab and asked him. They said: We did not know that she suckled my daughter. He then rode to the Messenger of Allah at Medina and asked him. The Holy Prophet exclaimed: How? It was said: Oqbah divorced her and she married another husband.[1812] —*Bukhari.*

عن عقبة بن الحارث أنه تزوج ابنة لأبي إهاب بن عزيز فأتت امرأة فقالت قد أرضعت عقبة والتي تزوج بها فقال لها عقبة ما أعلم أنك أرضعتني ولا أخبرتني فأرسل إلى آل أبي إهاب فسألهم فقالوا ما علمنا أرضعت صاحبتنا فركب إلى النبي صلعم بالمدينة فسأله فقال رسول الله صلعم كيف وقد قيل ففارقها عقبة ونكحت زوجا غيره . (البخاري)

20. **Abu Hurairah** reported that the Messenger of Allah prohibited marriage of a woman over her aunt, or of an aunt over the daughter of her brother, or of a woman over her maternal

عن أبي هريرة أن رسول الله صلعم نهى أن تنكح المرأة على عمتها أو العمة على بنت أخيها والمرأة على خالتها أو الخالة على بنت أختها

1812. Young brides mean here brothers' daughters or sisters daughters, and elderly girls mean aunts, paternal and maternal. Nisai narrated up to "daughter of her sister"

aunt, or of the maternal aunt over a daughter of her sister. The younger brides should not be given in marriage to the elderly bridegrooms, nor the elderly brides to the younger bridegrooms.[1331]

—*Tirmizi, Abu Daud, Nisai.*

لا تنكح الصغرى على الكبرى ولا الكبرى على الصغرى ‐

(الترمذي وابوداود والنسائي)

21. **Bara'a-b-A'jeb** reported: My maternal uncle Abu Bardah passed by me with a flag. I asked him: Where are you going? He replied: The Holy Prophet sent me to a man who has married the wife of his father. I shall take his head to him.[1314] *Tirmizi, and Abu Daud narrated it. In a narration of him and Nisai and Ibn Majah*: He said: He ordered me to strike his neck and to take his property.

عن البراء بن عازب قال مربي خالي ابو بردة معه لواء فقلت اين تذهب فقال بعثني النبي صلعم الى رجل تزوج امرأة ابيه اتيه برأسه رواه الترمذي وابوداود وفي رواية له وللنسائي وابن ماجة قال امرني ان اضرب عنقه واخذ ماله ‌*

22. **Omme-Salamah** reported that the Messenger of Allah said: Nothing makes unlawful on account of fosterage but what unloosens the entrails of breast. It occurs before the weaning.[1315]

—*Tirmizi.*

عن ام سلمة قالت قال رسول الله صلعم لا يحرم من الرضاع الا ما فتق الامعاء في الثدي وكان قبل الفطام ‌*

(الترمذي)

23. **Hajjaj-b-Hajjaj al Aslami** reported that he asked: O Ms.

عن حجاج بن حجاج الاسلمي

1313. In other words, suckling which makes marriage unlawful must occur between Infancy and upto 2 or 2½ years age of the child.

1314. The three Imams follow this tradition. Imam Abu Hanifa holds however that if two sisters are married at the same time, no selection can be made of retaining one. When the two are married at different times, the former must be preferred.

1315. Malek reported it as a MURSAL tradition from Ibn Shihab.

of Allah! what will compensate the obligation of suckling? He said: Setting free of a slave or a slave girl. —*Tirmizi, Abu Daud, Nisai.*

عن ابيه انه قال يا رسول الله ما
يذهب عني مذمة الرضاع فقال غرة عبد
او امة * (الترمذي و ابوداود والنسائي)

24. **Abu Tofail al-Ganami** reported: I was sitting with the Prophet when a woman (Halima) came. Then the Holy Prophet spread out his sheet till she sat upon it. When she departed, it was said that this woman suckled the Apostle of Allah. —*Abu Daud.*

عن ابي الطفيل الغنوي قال كنت
جالسا مع النبي صلعم اذا اقبلت امراة
فبسط النبي صلعم رداءه حتى قعدت
عليه فلما ذهبت قيل هذه ارضعت النبي
صلعم . (ابوداود)

25. **Zohhak** reported: I asked the Messenger of Allah: O Prophet of Allah! I have accepted Islam, but I have got two sisters (as wives). He said: Choose whomsoever of the two you like.[1316] —*Tirmizi, Abu Daud, Ibn Majah.*

عن الضحاك قال قلت يا
رسول الله اني اسلمت و تحتي اختان
قال اختر ايتهما شئت *
(الترمذي و ابوداود و ابن ماجة)

26. **Ibn Abbas** reported: A woman accepted Islam and got married. Her husband (former) came to the Prophet and said: O Ms. of Allah, verily I have accepted Islam and she had known my Islam. The Holy Prophet then separated her from her last husband and gave her back to her former one. In a narration: He said: Verily she accepted Islam with me. So

عن ابن عباس قال اسلمت امراة
فتزوجت فجاء زوجها الى النبي صلعم
فقال يا رسول الله اني قد اسلمت و
علمت باسلامي فانتزعها رسول الله صلعم
من زوجها الآخر و ردها الى زوجها الاول
و في رواية انه قال انها اسلمت معي

1316. Tirmizi said: This tradition is less genuine with regard to its attestation. Ibn Baihaqi and Mus'annah-b-Sabbah reported it from Amr-b-Shuaib. Both are however narrators of less authenticity.

he returned her to him. *Abu Daud narrated. And it has been narrated in Sharhi Sunnat* that as for a party of women, the Holy Prophet rejected their first marriage against their husbands at the time of their embracing Islam after difference in religion and abode. Among them was daughter of Walid-b-Mugirah. She was the wife of Safwan-b-Omayyah and accepted Islam on the day of conquest of Mecca. Her husband retreated from Islam. His cousin, Wahab-b-Omair, sent for him with the sheet of the Messenger of Allah as a security to Safwan. When he came, the Messenger of Allah fixed four months for him to roam about, till he accepted Islam. So she was given to him. Omme-Hakim, daughter of Haris-b-Hisham and wife of Akramah-b-Abi Jahal, accepted Islam on the day of Conquest of Mecca, and her husband fled from Islam till he came to Yemen. Then Omme-Hakim went till she came to him at Yemen. She invited him towards Islam. So they both accepted Islam and remained firm in their marriage. —*Malek.*

فَرَدَّهَا عَلَيْهِ رَوَاهُ اَبُودَاوُدَ وَرُوِيَ فِي شَرْحِ السُّنَّةِ اَنَّ جَمَاعَةً مِّنَ النِّسَاءِ رَدَّهُنَّ النَّبِيُّ صلعم بِالنِّكَاحِ الْاَوَّلِ عَلَى اَزْوَاجِهِنَّ عِنْدَ اِجْتِمَاعِ الْاِسْلَامَيْنِ بَعْدَ اخْتِلَافِ الدِّيْنِ وَالدَّارِ مِنْهُنَّ بِنْتُ الْوَلِيْدِ ابْنِ مُغِيْرَةَ كَانَتْ تَحْتَ صَفْوَانَ ابْنِ اُمَيَّةَ فَاَسْلَمَتْ يَوْمَ الْفَتْحِ وَهَرَبَ زَوْجُهَا مِنَ الْاِسْلَامِ فَبَعَثَ اِلَيْهِ ابْنُ عَمِّهِ وَهْبُ ابْنُ عُمَيْرٍ بِرِدَاءِ رَسُوْلِ اللّٰهِ صلعم اَمَانًا لِصَفْوَانَ فَلَمَّا قَدِمَ جَعَلَ لَهُ رَسُوْلُ اللّٰهِ صلعم تَسْيِيْرًا اَرْبَعَةَ اَشْهُرٍ حَتّٰى اَسْلَمَ فَاسْتَقَرَّتْ عِنْدَهُ وَاَسْلَمَتْ اُمُّ حَكِيْمٍ بِنْتُ الْحَارِثِ بْنِ هِشَامٍ امْرَأَةُ عِكْرِمَةَ بْنِ اَبِي جَهْلٍ يَوْمَ الْفَتْحِ بِمَكَّةَ وَهَرَبَ زَوْجُهَا مِنَ الْاِسْلَامِ حَتّٰى قَدِمَ الْيَمَنَ فَارْتَحَلَتْ اُمُّ حَكِيْمٍ حَتّٰى قَدِمَتْ عَلَيْهِ الْيَمَنَ فَدَعَتْهُ اِلَى الْاِسْلَامِ فَاَسْلَمَا فَثَبَتَا عَلٰى نِكَاحِهِمَا *

(مَالِكٌ عَنْ ابْنِ شِهَابٍ مُرْسَلًا)

27. **Ibn Abbas** reported : Seven are prohibited for consanguinity, and seven for matrimonial alliance. Afterwards he read :

عَنْ ابْنِ عَبَّاسٍ قَالَ حُرِّمَ مِنَ النَّسَبِ سَبْعٌ وَمِنَ الصِّهْرِ سَبْعٌ ثُمَّ قَرَأَ حُرِّمَتْ

Unlawful to you are your mothers—the verse (4:23Q).

عليكم امهاتكم الاية ★ (البخاري)

28. **Amr-b-Shuaib** reported from his father from his grandfather that the Messenger of Allah said: Whoso marries a woman and cohabits with her, it is not lawful for him to marry her daughter; and if he does not cohabit with her, let him marry her daughter; and whoever marries a woman, it is not lawful for him to marry her mother whether he has cohabited with her or not. —*Tirmizi.*

عن عمرو بن شعيب عن ابيه عن جده ان رسول الله صلعم قال ايما رجل نكح امرأة فدخل بها فلا يحل له نكاح ابنتها وان لم يدخل بها فلينكح ابنتها وايما رجل نكح امرأة فلا يحل له ان ينكح امها دخل بها او لم يدخل بها - (الترمذي)

SECTION 4

1317. Sight of Bride and Bridegroom

In Christian societies, there is betrothal between a man and a girl before marriage followed sometimes by sexual intercourse. This is a completely unsatisfactory method of selection of mates. It is free love in the garb of wooing. On the other hand, there are practices in some societies just opposite. Islam took the middle course. It allowed a man or a girl to select his or her mate after sights and glances and not beyond that. From traditions 27:20, 31, 32, it is quite clear that the parties are completely free to have a glance at each other. This instruction is neglected in Muslim societies generally in India, following strict notion of purdah. Guardians should arrange for a sight ceremony so that the bridal parties may not afterwards repent. The Holy Quran also supports this by the verse: Marry such women as seen good to you (4:3Q.) This selection is however impossible if facility is not given for mutual look. The jurists also unanimously approve this principle of sight. Marriage is a contract and consequently it

follows that the two parties must have look at the thing for which the contract is made.

According to Imam Abu Hanifah, it is lawful to have a sight of the bride and bridegroom before marriage. Imam Malek holds that it is lawful with permission of the bride. Imams Shafeyi and Ahmad hold it lawful either with permission or without permission.

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29. **Abu Hurairah** reported that a man came to the Prophet and said: I intend to marry a woman of the Ansars. He said: Have a look at her, because there is something (defective) in the eyes of the Ansars.[1313] —*Muslim.*

عَنْ اَبِي هُرَيْرَةَ قَالَ جَاءَ رَجُلٌ اِلَى النَّبِيِّ صلعم فَقَالَ اِنِّي تَزَوَّجْتُ امْرَاَةً مِّنَ الْاَنْصَارِ قَالَ فَانْظُرْ اِلَيْهَا فَاِنَّ فِي اَعْيُنِ الْاَنْصَارِ شَيْئًا ۔ (مُسْلِمٌ)

30. **Ibn Mas'ud** reported that the Prophet said: A woman shall not have association with a woman and then describe her to her husband as if he had a look at her. —*Agreed.*

عَنِ ابْنِ مَسْعُوْدٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم لَا تُبَاشِرِ الْمَرْاَةُ الْمَرْاَةَ فَتَنْعَتَهَا لِزَوْجِهَا كَاَنَّهُ يَنْظُرُ اِلَيْهَا ۔ (مُتَّفَقٌ عَلَيْهِ)

31. **Jaber** reported that the Messenger of Allah said: When one of you seeks a woman in marriage, and then if he is able to have a look at what he wishes to marry, let him do. —*Abu Daud,*

عَنْ جَابِرٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم اِذَا خَطَبَ اَحَدُكُمُ الْمَرْاَةَ فَاِنِ اسْتَطَاعَ اَنْ يَنْظُرَ اِلَى مَا يَدْعُوْهُ اِلَى نِكَاحِهَا فَلْيَفْعَلْ ۔ (ابوداود)

32. **Mugirah-b Shu'bah** reported: I sought a woman in marriage. The Holy Prophet told me: Have you seen her? 'No' said I. He said: Then look at her, because it is more

عَنِ الْمُغِيْرَةِ بْنِ شُعْبَةَ قَالَ خَطَبْتُ امْرَاَةً فَقَالَ لِي رَسُوْلُ اللّٰهِ صلعم هَلْ نَظَرْتَ اِلَيْهَا قُلْتُ لَا قَالَ فَانْظُرْ اِلَيْهَا فَاِنَّهُ

1313. It appears from this that it is lawful to disclose defects for good of the people, and that it is commendable to have sight of the bride before marriage-tie.

proper that love should be cemented between you. —*Ahmad, Tirmizi, Nisai, and Ibn Majah.*

أحرى أن يؤدم المودة بينكما ۔ (أحمد والترمذي و النسائي وابن ماجة)

SECTION 5

1312. Consent in marriage.

Marriage is a contract. Therefore it can be performed by those who are capable of entering into a contract. In other words, grown up boys and girls can by themselves contract marriage in presence of witnesses. With regard to the minors, marriage can be solemnised by guardians of the minors on their behalf, but in this respect the minors have got option on their attainment of maturity either to ratify the contract of marriage or to repudiate it. This is called Khairul Bulug (خير البلوغ). To be more particular, girls and women for marriage may be classed under four heads.

(1) A grown-up woman previously married (ثيب بالغة). In this case, marriage without consent is unanimously void.

(2) A grown-up virgin girl (باكرة بالغة). Except Imam Shafeyi, all the Imams hold that marriage without her consent is not lawful.

(3) A minor previously-married girl (ثيب صغيرة). Except Imam Shafeyi, the Imams hold that her marriage by her guardian is legal without her consent.

(4) A minor virgin girl (باكرة صغيرة). All are unanimous in holding that a guardian can get her married without her consent. In the case of a major virgin girl, silence before the witnesses is a sufficient indication of consent ; while in the case of a widow or divorced woman, express consent is necessary.

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33. **Abu Hurairah** reported that the Messenger of Allah said : A previously married woman shall not be married

عن أبي هريرة قال قال رسول الله صلعم لا تنكح الايم حتى تستأمر ولا تنكح

till she gives consent, nor a virgin be married till her consent is sought. They asked: How shall be her permission? He said: If she remains silent.[1920] —*Agreed.*

البكر حتى تستأذن قالوا يا رسول الله وكيف إذنها قال إن تسكت * (متفق عليه)

34. **Ibn Abbas** reported that the Messenger of Allah said: A previously married woman is more a guardian for herself than her guardian, and a virgin should be asked permission about herself; and her permission is her silence. *In a narration*: He said: A previously married woman having consummation has got greater right to herself than her guardian, and a virgin shall be asked of her consent; and her permission is her silence. —*Muslim.*

عن ابن عباس أن النبي صلعم قال الأيم أحق بنفسها من وليها والبكر تستأذن في نفسها وإذنها صماتها وفي رواية قال الثيب أحق بنفسها من وليها والبكر تستأمر وإذنها سكوتها وفي رواية قال الثيب أحق بنفسها من وليها والبكر يستأذنها أبوها في نفسها وإذنها صماتها. (مسلم)

35. **Abu Hurairah** reported that the Prophet said: A grown-up girl shall be asked permission about herself. If she is silent, it is her permission; and if she declines, there shall be no compulsion on her.

—*Tirmizi, Abu Daud, Nisai.*

عن أبي هريرة قال قال رسول الله صلعم اليتيمة تستأمر في نفسها فإن صمتت فهو إذنها وإن أبت فلا جواز عليها. (الترمذي وأبوداود والنسائي)

1920 AYYAM signifies a woman who was previously married but now she has got no husband owing to death or divorce. It appears from this that consent in either case is essentially necessary in a valid marriage; without it, marriage is absolutely void. AYYAM may be a virgin or not a virgin. In the latter case, she is called SAYYEB in Arabic. In other wards, she had sexual intercourse with her former husband. Here by the word ayyam, the latter has been meant.

SECTION 6

1321. Option of Puberty (خير البلوغ)

A minor, when given in marriage, has the option of repudiating the marriage when she attains puberty. The jurists make one exception to this. They say that when a minor is given in marriage by a father or grandfather, the minor cannot revoke the marriage. It appears however that it is against the express teaching of the Holy Prophet in view of what is narrated in traditions—27:36,37. In these two reported cases, the girl's wish was given precedence, as there cannot be forced love. It appears, however, that the jurists meant those marriages irrevocable as have got equality in rank, position age and suitability. Where, however, the father or grandfather carelessly or wickedly contracts a minor in marriage, the contract can be set aside by the minor. In case of a virgin girl, the ratification may be either express or implied. Repudiation must be made immediately after attainment of maturity and before cohabiting with the husband. A decree is necessary.

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36. **Ibn Abbas** reported that a virgin grown-up girl came to the Messenger of Allah and narrated that her father had given her in marriage, which was disliking to her. The Messenger of Allah gave her option.

—*Abu Daud.*

عن ابن عباس قال ان جارية بكرا اتت رسول الله صلعم فذكرت ان اباها زوجها وهي كارهة فخيرها النبي صلعم -

(ابوداود)

37. **Khansa'a-bn-Khejam** reported that her father gave her in marriage while she was a woman having consummation. She disliked it, and so she came to the Prophet. He annulled his marriage. *And in a narration of Ibn Majah* : Marriage of her father.

—*Bukhari.*

عن خنساء بنت خذام ان اباها زوجها وهي ثيب فكرهت ذلك فاتت رسول الله صلعم فرد نكاحه وفي رواية ابن ماجة نكاح ابيها -

(البخاري)

SECTION 7

1322. Guardianship for mrraiage

As has already been pointed out, no guardian for a grown-up girl (virgin or previously married) is necessary, but in the case of a minor, it is necessary. Imams Malek and Shafeyi hold that a guardian for marriage is essential in the case of both grown-up girls and minors in the sense of an agent for settling terms between the bride and bridegroom. In this sense, guardian is good no doubt, but in no case can it be said that a marriage is void or invalid without consent of the guardian if the grown-up girl consents. The Quran says in this connection: And when you divorce women, and they end their term of waiting, do not prevent them from marrying the husbands when they agree among themselves in a lawful manner—2:232Q. This verse clearly indicates that inspite of guardian's consent, marriage of a major girl with her consent would be valid.

The right of guardianship belongs successively to the (1) father, (2) paternal grandfather how highsoever, and (3) brother and other male relations on the father's side in the order of inheritance enumerated in the Table of Residuaries (note 980). In default of paternal relations, the right devolves upon the mother and other paternal relations within the prohibited degrees.

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33. **Ayesah** reported that the Messenger of Allah married her while she was a girl of seven years. She was sent to him while she was of nine years and he played with her. She died while she was a girl of 18 years.[1323] —*Muslim.*

عَنْ عَائِشَةَ عَنْ رَسُولِ اللهِ صلعم تَزَوَّجَهَا وَهِىَ بِنْتُ سَبْعِ سِنِينَ وَزُفَّتْ إِلَيْهِ وَهِىَ بِنْتُ تِسْعِ سِنِينَ وَلُعَبُهَا مَعَهَا وَمَاتَ عَنْهَا وَهِيَ بِنْتُ ثَمَانِي عَشْرَةَ - (مُسْلِمٌ)

1323 There is difference of opinion among jurists with regard to the actual age when there were wooing of Ayesha and consummation.

39. Abu Musa reported that the Prophet said: There is no marriage except through guardians.[1824] —*Ahmad, Tirmizi, Abu Daud, Ibn Majah.*

عن أبي موسى عن النبي صلعم قال لا نكاح إلا بولي - (احمد والترمذي وابوداود وابن ماجة)

40. Ayesha reported that the Prophet said: Whoso female gets herself married without permission of her guardian, her marriage is void, her marriage is void, her marriage is void. If he had intercourse with her, there is dowry for her on account of her private parts having been made lawful. If they dispute, then the king is the guardian for those who have got no guardian.[1825] —*Ahmad, Abu Daud, Tirmizi, Ibn Majah.*

عن عائشة أن رسول الله صلعم قال أيما امرأة نكحت نفسها بغير اذن وليها فنكاحها باطل فنكاحها باطل فنكاحها باطل فان دخل بها فلها المهر بما استحل من فرجها فان اشتجروا فالسلطان ولي من لا ولي له - (احمد والترمذي وابوداود وابن ماجة)

41. Jaber reported from the Prophet who said: Whoso of slaves gets married without permission of his master, he is a fornicator.[1826] —*Tirmizi, Abu Daud, Darimi.*

عن جابر عن النبي صلعم قال أيما عبد تزوج بغير اذن سيده فهو عاهر * (الترمذي وابوداود والدارمي)

42. Abu Hurairah reported that the Messenger of Allah said: No woman shall give a woman in marriage, nor a

عن أبي هريرة قال قال رسول الله صلعم لا تزوج المرأة المرأة ولا تزوج

1824. Imam Abu Hanifa holds that this tradition is applicable in the case of girls and lunatics, while Imams Shafeyi and Ahmad hold that marriage is not valid without permission or consent of the guardian.

1825. This seems to be contradictory to the explanation of Imam Abu Hanifa. He explains away this by saying that the hadis is applicable to minor girls or slaves.

1826. Marriage of a slave is void if done without consent of the master according to Imams Shafeyi and Ahmad, but Imam Abu Hanifa holds that such marriage is invalid. It can be validated by subsequent conduct of the master.

woman shall give herself in marriage. Verily the fornicatress is she who marries by herself.[1327] —*Ibn Majah*.

المرأة نفسها فإن الزانية هي التي تزوج نفسها * (ابن ماجة)

43. **Samorah** reported that the Messenger of Allah said: Whoso female is given in marriage by two guardians, she is for the first one among the two; and whoso holds a sale to two persons, it is for the first one out of the two.[1328] —*Tirmizi, Abu Daud, Nisai, Darimi.*

عن سمرة أن رسول الله صلعم قال أيما امرأة زوجها وليان فهي للأول منهما ومن باع بيعا من رجلين فهو للأول منهما * (الترمذي وأبو داود والنسائي والدارمي)

SECTION 8

1330. Witnesses

The Quran says: And call in two witnesses from among your men, but if there are not two men, then one man and two women—2:282Q. So in a contract of marriage, two witnesses at least are essential. It is however better to have the marriages registered to furnish the best testimony and to remove all doubts. A marriage contracted without witnesses is merely invalid (Fasid) but not void (Batil). The Shias and Imam Malek hold marriages valid even if they are contracted without the witnesses. It seems that this view is incorrect in view of the clear Quranic verse in case of contract and the hadis of Tirmizi. The witnesses must be present when the proposal and acceptance are made and consent is given. The witnesses must be free, sane, major and Muslims.

1327. Imam Abu Hanifa says that marriage may be performed without witnesses. Imam Shafeyi holds that no marriage can validly be done without guardian of marriage.

1328. This rule applies in case guardians are equal in degree of relationship. In default, the guardian who is a nearer relation shall prevail.

44. Ibn Abbas reported that the Holy Prophet said: The fornicatresses are those who marry by themselves without witnesses. [1319] —*Tirmizi.*

عن ابن عباس ان النبي صلعم قال البغايا اللتي ينكحن انفسهن بغير بينة * (الترمذي)

SECTION 9

1331. Proclamation of marriage.

Marriage by itself is a proclamation among the public to the effect that two souls have united for procreation and legalising of children and that others have got no right to interfere in the conjugal relations of the married couple. The greater is its publicity and proclamation, the greater is its merit. If, however, there are no proclamation and no witnesses, it is nothing but clandestine sexual relations amounting to fornication, even though there is mutual consent. The Quran therefore says: "Taking them in marriage, nor fornicating, nor taking them for paramours in secret (4:24, 5:5Q). For this reason, the proclamation of marriage by beating of dafs (drums) and other lawful plays and sengs within moderate limits, and holding marriage-feasts have been encouraged by the Holy Prophet. The traditions of this section will fully corroborate the view.

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45. Rubay-bn-Muawwej reported that the Prophet came and entered to my house when I was betrothed. He sat upon my bed like your sitting near me. The young girls began to beat daf and sing about those who were killed on the Day of Badr among my forefathers. At that time, one of them sang:

عن ربيع بنت معوذ قالت جاء النبي صلعم فدخل حين بني علي فجلس على فراشي كمجلسك مني فجعلت جويريات لنا يضربن بالدف و يندبن من قتل من آبائي

1319. 'It is more correct' says Mishkat 'that this tradition be raised up to Ibn Abbas'. In other words, it was said by Ibn Abbas.

And in our midst, there is a Prophet who knows what will occur tomorrow. He said: Give it up and say what you were saying. —*Baihaqi.*

يوم بدر إذ قالت إحداهن وفينا نبي يعلم ما في غد فقال دعي هذه وقولي بالذي كنت تقولين * (البخاري)

46. **Ayesha** reported: A woman was betrothed to a man of the Ansars. The Holy Prophet said: Was there no amusement with you? Verily the Ansars become pleased with amusement. —*Bukhari.*

عن عائشة قالت زفت امرأة إلى رجل من الأنصار فقال النبي صلعم ما كان معكم لهو فإن الأنصار يعجبهم اللهو * (البخاري)

47. **Ayesha** reported that the Prophet said: Proclaim this marriage, and solemnise it in mosques and beat 'dafs' over it. —*Tirmizi* (*Rare*).

عن عائشة قالت قال رسول الله صلعم أعلنوا هذا النكاح واجعلوه في المساجد واضربوا عليه بالدفوف * (الترمذي (غريب)

48. **Muhammad-b-Hatib al-Jumahiy** reported from the Messenger of Allah who said: The demarcation between lawful and unlawful things in marriage is proclamation and daf. —*Ahmad, Tirmizi, Nisai, Ibn Majah.*

عن محمد بن حاطب الجمحي عن النبي صلعم قال فصل ما بين الحلال والحرام الصوت والدف في النكاح * (أحمد والترمذي والنسائي وابن ماجة

49. **Ayesha** reported: I had a girl of the Ansars whom I gave away in marriage. The Holy Prophet said: O Ayesha! why did you not send the girls to sing, because this tribe of the Ansars loves songs? —*Ibn Habban.*

عن عائشة قالت كانت عندي جارية من الأنصار زوجتها فقال رسول الله صلعم يا عائشة ألا تغنين فإن هذا الحي من الأنصار يحبون الغناء * (ابن حبان)

50. **Ibn Abbas** reported that Ayesha gave a female relation of her from the Ansars in

عن ابن عباس قال أنكحت

marriage. The Messenger of Allah came and said: Have you sent girls to sing? 'Yes' said they. He asked: Have you sent with her those who can sing? 'No' said he. Then the Prophet said: Verily the Ansars are a people among whom there are songs. (It would have been better) if you had sent with her those who could have sung "To thee we have come! To thee we have come! So to us welcome! And to thee welcome! [1932]

—*Ibn Majah.*

عائشة ذات قرابة لها من الأنصار فجاء
رسول الله صلعم فقال أهديتم الفتاة قالوا
نعم قال أرسلتم معها من تغني قالت لا
فقال رسول الله صلعم إن الأنصار قوم فيهم
غزل فلو بعثتم معها من يقول أتيناكم
أتيناكم فحيانا وحياكم . (ابن ماجة)

51. **A'mer-b-Sa'ad** reported: I went to Qarajah-b-Ka'ab And Abu Mas'ud al-Ansari in a marriage when lo! some girls were singing. I asked: O companions of the Ms. of Allah and warriors of Badr, is this done in your presence? He said: Sit down if you like and hear with us; and if you dislike, go; verily it has been made lawful for us—amusement at the time of marriage.

—*Nisai.*

عن عامر بن سعد قال دخلت على
قرظة بن كعب وأبي مسعود
الأنصاري في عرس إذا جوار يغنين
فقلت أي صاحبي رسول الله صلعم وأهل
بدر يفعل هذا عندكم فقال اجلس
إن شئت فاسمع معنا وإن شئت فاذهب
فإنه قد رخص لنا في اللهو عند العرس *
(النسائي)

1932. The last portion is a piece of poetry recited by the Holy Prophet. It seems from this that poetry, songs and rhythmical tunes were not discouraged by him, but rather good things have been greatly encouraged. It is only with regard to evil songs or poetries which bring a sense of immorality that the ban was laid. See note 797 for full discussion.

SECTION 10

1338. Dower

(a) **What is dower** ? Dower is a consideration of the contract of marriage. It is essential to the validity of a marriage. The Quran says : O Prophet ! surely We have made lawful to you your wives whom you have given their dowries—33:50Q. It appears therefore that dowry is compulsory in a marriage. Another verse runs : And there is no blame on you to marry them when you give them their dowries—60:10Q. Dower is an essential part of marriage, but it is not invalid if is not paid or contracted before marriage. The Quran says : There is no blame on you if you divorce women when you have not touched them, or appointed for them a dower—2:23 Q. The Holy Quran also says : And your women—give their dowries as a free gift, but if they of themselves be pleased to give up to you a portion of it, then eat it with enjoyment and pleasure—4:4Q. This is quite contrary to Hindu system of marriage where girls are to pay huge sums to husbands in consideration of marriage. This principle leads to celibacy of young girls. Islamic law gives advantage to women and increases their prestige and independence. Dower is a great check for free use of husband's oppression.

(b) **Amount of dower** No hard and fast rule has been laid down by the Quran about the amount of dower. It is to be adjuged according to the social position of the parties, their wealth, their personal qualifications, and conditions of the human society. The Quran says : one wealthy according to his means and one straitened in circumstances according to his means—2:236Q. It may be a ring (27:51), or a stipulation to teach the Quran—(27:54), or shoes (27:58), or two handfuls of barley or dates (27:57). It may even be fixed on condition of accepting the religion of Islam (27:61) The dower of Umme Habibah in marriage with the Prophet was fixed at 4000 dirhams. Dowry of Prophet's daughters was nearly 500 dirhams for each. Dowry may be increased or decreased after marriage by mutual agreement (4:24Q).

(c) **Prompt and Deferred dowries.** The latter jurists divided dowry into two portions ; one payble on demand called Mahr

Mu'ajjal (مهر معجل) and another payable at death or dissolution of marriage by divorce called Mahr Muajjal. (مهر مئجل). There is no such clear distinction either in the Quran or Hadis. Where no dowry has been fixed, it is to be adjudged according to the amount settled in one's family and the condition of the husband. This is called Mahr-Misal or customary dower.

(d) **Dowry and consummation.** After consummation, the wife becomes entitled to full dower; and before consummation only half, or a mere present in case of separation before consummation.

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52. **Ibn Omar** reported that the Apostle of Allah forbade *Shigar,* [1334] and Shigar is a man's giving his daughter in marriage on condition that another would give his daughter in marriage to him, and that there should be no dower between them. *In a narrtion of Muslim:* There is no Shigar in Islam. —*Agreed.*

عَنْ اِبْنِ عُمَرَ اَنَّ رَسُوْلَ اللّٰهِ صلعم نَهَى عَنِ الشِّغَارِ وَالشِّغَارُ اَنْ يُزَوِّجَ الرَّجُلُ اِبْنَتَهُ عَلَى اَنْ يُزَوِّجَهُ الْاٰخَرُ اِبْنَتَهُ وَلَيْسَ بَيْنَهُمَا صَدَاقٌ وَفِيْ رِوَايَةٍ لِمُسْلِمٍ قَالَ لَا شِغَارَ فِى الْاِسْلَامِ * (مُتَّفَقٌ عَلَيْهِ)

53. **Oqbah-b-A'mer** reported that the Messenger of Allah said: The most equitable of the conditions (of marriage) is that you should fulfil that with which you have made private parts lawful. —*Agreed.*

عَنْ عُقْبَةَ اِبْنِ عَامِرٍ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم اَحَقُّ الشُّرُوْطِ اَنْ تُوْفُوْا بِهِ مَا اسْتَحْلَلْتُمْ بِهِ الْفُرُوْجَ * (مُتَّفَقٌ عَلَيْهِ)

54. **Sahl-b-Sa'ad** reported that a woman came to the Messenger of Allah and said: O Ms. of Allah, I have bestowed myself to you. She then kept standing for a long time. A man

عَنْ سَهْلِ بْنِ سَعْدٍ اَنَّ رَسُوْلَ اللّٰهِ صلعم جَاءَتْهُ اِمْرَاَةٌ فَقَالَتْ يَا رَسُوْلَ اللّٰهِ اِنِّيْ وَهَبْتُ نَفْسِيْ لَكَ فَقَامَتْ طَوِيْلًا

1334. Such sort of Shigar in marriage is lawful according to Imam Abu Hanifa subject to the condition that proper dower is paid. Imam Shafeyi holds however that such marriage is invalid.

got up and said: O Ms. of Allah! marry her though you have got no need of her. He said: Have you got anything with you which we may give to her as dowry? He said: I have got nothing but this trousers of mine. He said: Seek, though it be a ring of iron. Then he searched but did find nothing. The Prophet asked: Have you got anything of the Quran with you? 'Yes' said he, "such and such a verse". He said: I give her in marriage to you for what is with you from the Quran. *In a narration, he said*: Go, and I have got her married to you. So teach her from the Quran. 1834a —*Agreed.*

فقام رجل فقال يا رسول الله زوجنيها ان لم تكن لك فيها حاجة فقال هل عندك من شيء تصدقها قال ما عندي الا ازاري هذا قال فالتمس ولو خاتما من حديد فالتمس فلم يجد شيئا فقال رسول الله صلعم هل معك من القران شيء قال نعم سورة كذا وسورة كذا فقال قد زوجتكها بما معك من القران وفي رواية قال انطلق فقد زوجتكها فعلمها من القران * (متفق عليه)

55. **Abu Salamah** reported: I asked Ayesha: What was the dowry of the Prophet? She replied: His dowry for his wives was 12 'waqiahs' and one 'nash'. He asked: Do you know what is nash? 'No' said I. He said: Half waqiah, and that is 500 dirhams. —*Muslim.*

عن ابي سلمة قال سألت عائشة كم كان صداق النبي صلعم قالت كان صداقه لازواجه ثنتي عشرة اوقية ونش قالت اتدري ما النش قلت لا قالت نصف اوقية فتلك خمس مائة درهم - (مسلم)

56. **Omar-b-al Khattab** reported: Beware! don't make dear dowry of women. Had it been a cause of honour in the world and piety

عن عمر بن الخطاب قال الا لا تغالوا صدقة النساء فانها لو كانت مكرمة

1834a. This marriage is in accordance with the Quranic verse—"And a believing woman, if she offers herself to the Prophet if the Prophet desires to marry her; special for you besides the believers—33:50Q. This means that it was special for the Prophet to marry without dower.

near Allah, the Holy Prophet would have been the first about it. I did not know whether the Holy Prophet married any of his wives and got his daughters married for more than 12 waqiahs.[1385] —*Ahmad, Tirmizi, Abu Daud, Nisai, Ibn Majah.*

في الدنيا و تقوى عند الله لكان أولاكم بها نبي الله ما علمت رسول الله صلعم نكح شيئا من نسائه ولا أنكح شيئا من بناته على أكثر من اثنتي عشرة أوقية * (أحمد و الترمذي و أبوداود و النسائي و ابن ماجة)

57. **Jaber** reported that the Messenger of Allah said: Whoso gives two handfuls of barley or dates as dowry of his wife has rendered (private parts) lawful. —*Abu Daud.*

عن جابر أن النبي صلعم قال من أعطى في صداق امرأته ملء كفيه سويقا أو تمرا فقد استحل * (أبوداود)

58. **A'mer b-Rabiah** reported that a woman of Banu Fajarah was married for two shoes. The Holy Prophet asked her: Are you satisfied with yourself and what is with you for two shoes? 'Yes' said he. Then he gave him permission. —*Tirmizi.*

عن عامر بن ربيعة أن امرأة من بني فزارة تزوجت على نعلين فقال لها رسول الله صلعم أرضيت من نفسك ومالك بنعلين قالت نعم فأجازه * (الترمذي)

59. **Alqamah-b-Mas'ud** reported that he was asked about a man who married a woman but did not fix any dowry for her, nor had he any intercourse with her till he died. Ibn Mus'ud told her: Fix the equivalent dowries of her women, neither less, nor more. And there is the period of waiting on her, and there is inheritance for her. Then Ma'qal-b-Sinan got up and said: The Ms. Allah decreed

عن علقمة عن ابن مسعود أنه سئل عن رجل تزوج امرأة ولم يفرض لها شيئا ولم يدخل بها حتى مات فقال ابن مسعود لها مثل صداق نسائها لا وكس ولا شطط وعليها العدة ولها الميراث فقام

1385. 12 waqiahs are equal to nearly 480 dirhams or Rs. 120/-.

in case of Berwa'a-bn-Washeq (a woman belonging to us) just as you have decreed. Ibn Mas'ud was pleased therewith.

—*Tirmizi, Abu Daud, Nisai.*

معقل بن سنان الاشجعي فقال قضى رسول الله صلعم في بروع بنت واشق امرأة منا بمثل ما قضيت ففرح بها ابن مسعود ۔ (الترمذي و ابوداود و النسائي)

60. **Omme-Habibah** reported that the she was the wife of Abdullah-b-Jahsh who died in the land of Abyssinia, and then the Negus gave her in marriage to the Prophet and took from him a dowry of 4000. In another narration—4000 dirhams. Then he sent her to the Prophet with Shurahbil-b-Hasanah.[1996]

—*Abu Daud, Nisai.*

عن ام حبيبة انها كانت تحت عبد الله بن جحش فمات بارض الحبشة فزوجها النجاشي النبي صلعم و امهرها عنه اربعة آلاف و في رواية اربعة آلاف درهم و بعث بها الى رسول الله صلعم مع شرحبيل بن حسنة ۔

(ابوداود و النسائي)

61. **Anas** reported that Abu Talhah married Omme Solaim and the dowry between them was Islam. Omme Solaim accepted Islam before Abu Talhah who afterward sought her in marriage. She said: I have surely accepted Islam; but if you accept Islam, I shall marry you. So he accepted Islam, and it was their dowry between them. —*Nisai.*

عن انس قال تزوج ابو طلحة ام سليم فكان صداق ما بينهما الاسلام اسلمت ام سليم قبل ابي طلحة فخطبها فقالت اني قد اسلمت فان اسلمت نكحتك فاسلم فكان صداق ما بينهما ۔

(النسائي)

1996. Abdullah-b-Jahsh, the former husband of Omme-Habibah, accepted Islam with his wife; and being severely persecuted, they fled to Abyssinia and took refuge with the Negus. There he turned a Christian, but his wife remained in Islam. The Negus gave her afterwards in marriage to the Prophet on a dower of 4000 dirhams. She was the daughter of Abu Sufyan. The occurrence took place at 7 A. H.

SECTION 11

1337. Khutbah

Khutbah or delivery of sermon is another factor towards proclamation of marriage, besides what it contributes towards invocation of blessings on the newly married couple. This is a sermon to the couple in short, how they should behave in the married state and what are their rights and obligations towards each other. It also makes them understand that the marriage is no less a factor for saving them from the evils of the devil and for taking them nearer and nearer to God. Earthly love is then transferred into heavenly love.

The sermon consists of Tashahhud and three verses of the Holy Quaran as set forth in the hadis of Ibn Mas'ud below.

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62. **Abu Hurairah** reported that the Messenger of Allah said: Every marriage wherein there is no '*Tashahhud*' 1337a is like a hand cut off.

—*Tirmizi (Approved, Rare).*

عن ابي هريرة قال قال رسول الله صلعم كل خطبة ليس فيها تشهد فهي كاليد الجذماء * الترمذي (حسن غريب)

63. **Same** reported that the Prophet said: Every affair of a serious nature which is not undertaken without praise of Allah is cut off (from blessing). 1338 —*Ibn Majah.*

عنه قال قال رسول الله صلعم كل امري ذي بال لا يبدء فيه بالحمد لله فهو اقطع * (ابن ماجة)

64. **Abdullah b-Mas'ud** repored: The Prophet of Allah

عن عبد الله بن مسعود قال علمنا

1337a. Tashahhud is the bearing of witness to the unity of God and prophethood of Muhammad (P. H.).

1338. Thus in Islam, a Muslim is dedicated entirely to the Almighty. He has got nothing in him except through God and no merit unless it is supplied from above. The Quran therefore says: My prayer, my sacrifice, my life and my death are all for Allah, the Lord of the worlds.

taught us to recite "*Tashahhud*" in prayer and *Tashahhud* in necessity. He said: Tashahhud in prayer is: All worships and prayers and wealth are due to Allah. Peace be on you, O Prophet, and mercy of Allah and His blessings. Peace be on us and the righteous servants of Allah. And I bear witness that there is no deity but Allah, and I bear witness that Muhammad is His servant and His Apostle. Tashahhud in necessity is: All praise is for Allah and we seek help from Him, and we beg forgiveness to Him, and we seek refuge to Him from the evils of our passions; whomsoover Allah guides, there is none to misguide him; and whomsoover Allah misguides, there is none to guide him; and I bear witness that there is no god but Allah, and I bear witness that Muhammad is His servant and Messenger. He read three verses; O you who believe! fear Allah with His due fear and don't die unless you are Muslims (3:101Q). O those who believe! fear Allah to whom you demand one another's right and also relationship. Surely Allah is a great Watcher over you—4:1Q. O those who believe! fear

رسول الله صلعم التشهد في الصلوة والتشهد
في الحاجة قال التشهد في الصلوة
التحيات لله والصلوات والطيبات
السلام عليك ايها النبي ورحمة الله
وبركاته السلام علينا وعلى عباد الله
الصالحين اشهد ان لا اله الا الله واشهد
ان محمدا عبده ورسوله والتشهد في
الحاجة ان الحمد لله نستعينه ونستغفره
ونعوذ بالله من شرور انفسنا من يهده
الله فلا مضل له ومن يضلله فلا هادي
له واشهد ان لا اله الا الله واشهد ان
محمدا عبده ورسوله ويقراء ثلث ايات
يا ايها الذين امنوا اتقوا الله حق تقاته
ولا تموتن الا وانتم مسلمون يا ايها
الذين امنوا اتقوا الله الذي تساءلون
به والارحام ان الله كان عليكم رقيبا
يا ايها الذين امنوا اتقوا الله وقولوا قولا

Allah and speak the straight word, then He will make your action good for you, and forgive you your sins ; and whoso obeys Allah and His Prophet, he has indeed achieved a mighty success.[1339]
—*Ahmad, Tirmizi, Abu Daud, Nisai, Ibn Majah.*

سديدا يصلح لكم اعمالكم و يغفر لكم ذنوبكم و من يطع الله و رسوله فقد فاز فوزا عظيما * (الترمذي و ابوداود و النسائي و الدارمي و ابن ماجة)

SECTION 12

1340. Marriage Feast (وليمة)

Walimah is a feast arranged on the occassion of marriage. It comes from the root الايلام meaning *to join together*. This is so called as it is held on the occasion of joining the wife and husband together. Majority of the jurists hold that it is sunnat, while a few hold that it is Mustahab (commendable), and a few Wajeb (compulsory). This feast should invariably be given by the husband as is seen in the traditions.

The Mazhare-Haq mentions that feasts should invariably be held on eight occasions: Marriage-feast called walimah, feast for an issue called Khurs (خرس), feast for castration called E'zar (اعذار), feast for building a house called Wakirah (وكيرة), feast for arrival of a traveler called Naqiah (نقية), feast towards warding off calamities called Zimah (ضيمة), feast for naming a boy called Aqiqah (عقيقة) and feast for entertainments called Ma'odobah (مادبة). All these feasts are Mustahab except Walimah which is Sunnat.

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65. **Anas** reported that the Messenger of Allah saw a sign of yellow colour on Abdur Rahman-b-Auf. He asked : What is this ? He replied : Verily I have married a woman on a measure of 5 dirhams of gold.

عن انس ان النبي صلعم رأى على عبد الرحمن بن عوف اثر صفرة فقال ما هذا قال اني تزوجت امرأة على وزن

1339. In Jame' of Tirmizi, the three verses have been fully explained by Sufyan as-Saurl. Ibn Majah added after his word 'All praise is due to Allah'—we praise him.

He said : May Allah bless you. Give a feast even though with a goat. —*Agreed.*

نواة من ذهب قال بارك الله اولم ولو بشاة * (متفق عليه)

66. **Same** reported that the Messenger of Allah did never feed for any of his wives what he fed for Zainab. He gave feast (for her marriage) with a goat. —*Agreed.*

عنه قال ما اولم رسول الله صلعم على احد من نسائه ما اولم على زينب اولم بشاة * (متفق عليه)

67. **Same** reported that the Holy Prophet gave feast when Zainab, daughter of Jahsh, was brought to his house. The people ate bread and meat to their hearts' content. —*Bukhari.*

عنه قال اولم رسول الله صلعم حين بنى بزينب بنت جحش فاشبع الناس خبزا ولحما * (البخاري)

68. **Same** reported that the Messenger of Allah emancipated Safiyyah and married her and made her emancipation a dowry. He gave feast for her with dates mixed with curd. —*Agreed.*

عنه قال ان رسول الله صلعم اعتق صفية وتزوجها وجعل عتقها صداقها اولم عليها بحيس * (متفق عليه)

69. **Same** reported that the Holy Prophet stayed for three nights between Khaiber and Medina, and Safiyyah was first brought there. So I invited the Muslims to a feast of his, and there was no bread therein or meat, and there was therein nothing except that he ordered for dinner cloths. These were then spread ; and dates, cheese and ghee were served thereon. —*Bukhari.*

عنه قال اقام النبي صلعم بين خيبر والمدينة ثلث ليال يبنى عليه بصفية فدعوت المسلمين الى وليمته وما كان فيها من خبز ولا لحم وما كان فيها الا ان امر بالانطاع فبسطت فالقي عليها التمر والاقط والسمن * (البخاري)

1341. The Prophet, being the greatest of the noblemen of Arabia, did not at all hesitate to take a slave-girl in marriage. This clearly illustrates that in marriage matters also, there should be no distinction in society.

70. Safiyyah-bn-Shaibah reported that the Holy Prophet gave marriage-feast for some of his wives with two 'maunds' of wheat.[1842] —*Bukhari.*

عن صفية بنت شيبة قالت أولم النبي صلعم على بعض نسائه بمدين من شعير * (البخاري)

71. Abdullah-b-Omar reported that the Prophet said ; Whenever one of you is invited to a feast of marriage, attend it. *Agreed upon it. In a narration of Muslim* : Let him respond whether it be a marriage-feast or like that.

عن عبد الله بن عمر ان رسول الله صلعم قال اذا دعي أحدكم الى الوليمة فليأتها متفق عليه وفي رواية لمسلم فليجب عرسا كان او نحوه *

72. Jaber reported that the Messenger of Allah said : Whenever one of you is invited to a feast, let him respond. If he wishes, he may eat ; and if he wishes, he may not. —*Muslim.*

عن جابر قال قال رسول الله صلعم اذا دعي أحدكم الى طعام فليجب فان شاء طعم وان شاء ترك * (مسلم)

73. Abu Hurairah reported that the Messenger of Allah said ; The worst of feasts is a feast of marriage where the rich are invited and the poor are left. Whoso does not attend the invitation, disobeys Allah and His Prophet. —*Agreed.*

عن ابي هريرة قال قال رسول الله صلعم شر الطعام طعام الوليمة يدعى لها الاغنياء ويترك الفقراء ومن ترك الدعوة فقد عصى الله ورسوله * (متفق عليه)

74. Abu Mas'ud al Ansari reported that there was a man of the Ansars surnamed Abu Shuaib. He had a slave who had business of meat. He said : Prepare a feast for me, which will be sufficent for five persons ; so that I may invite

عن ابي مسعود الانصاري قال كان رجل من الانصار يكنى ابا شعيب كان له غلام لحام فقال اصنع لي طعاما يكفي خمسة لعلي ادعو

1842. One Ma'd is equivalent to one maund.

the Prophet of Allah as the fifth man out of the five. He then prepared a small feast for him. He came to the Prophet and invited him. A man followed him. The Ms. of Allah then said: O Abu Shuaib, verily a man has followed us. He said: If you wish, you may give him permission; and if you wish, you may leave him. He said: No, rather I shall give him permission. —*Agreed.*

النبي صلعم خامس خمسة فصنع له
طعاما ثم أتاه فدعاه فتبعهم رجل فقال
النبي صلعم يا أبا شعيب إن رجلا تبعنا
فإن شئت أذنت له وإن شئت تركته
قال لا بل أذنت له * (متفق عليه)

75. **Safinah** reported that a man invited Ali-b-Abi Taleb to a feast. He prepared the feast for him. Fatimah said: Had we invited the Messenger of Allah, he would have taken food with us. So he called him, and he came. He placed his hands upon the sides of the door and saw a coloured screen hung up in a corner of the house. So he returned. Then Fatimah said: I followed him and said: O Ms. of Allah, what has turned you back? He said: It is not for me or for a Prophet to enter a decorated house.

—*Ahmad, Ibn Majah.*

عن سفينة أن رجلا ضاف علي بن
أبي طالب فصنع له طعاما فقالت فاطمة
لو دعونا رسول الله صلعم فأكل معنا
فدعوه فجاء فوضع يديه على عضادتي الباب
فرأى القرام قد ضرب في ناحية البيت
فرجع قالت فاطمة فتبعته فقلت يا رسول
الله ما ردك قال إنه ليس لي أو لنبي
أن يدخل بيتا مزوقا *

(أحمد و ابن ماجة)

76. **Abdullah-b-Omar** reported that the Ms. of Allah said: Whoso is invited but does not respond, he disobeys Allah and His Apostle; and whoso attends without being invited, attends

عن عبد الله ابن عمر قال قال رسول
الله صلعم من دعي فلم يجب فقد
عصى الله ورسوله ومن دخل على غير

as a thief and goes out dishonoured. [1343] —*Abu Daud.*

دعوة دخل سارقا وخرج مغيرا (ابوداود)

77. **A certain** companion of the Prophet reported that the Prophet said: When two hosts meet together, respond to the nearest of the two in door; and if one of the two comes earlier, respond to one who comes earlier. —*Ahmad, Abu Daud.*

عن رجل من اصحاب النبي صلعم ان رسول الله صلعم قال اذا اجتمع الداعيان فاجب اقربهما بابا وان سبق احدهما فاجب الذي سبق * (احمد و ابوداود)

78. **Ibn Mas'ud** reported that the Messenger of Allah said: Food for the first day is a right, food for the second day is sunnat and food for the third day is show. Whoso gives for show, Allah will make a show of him. [1344] —*Tirmizi.*

عن ابن مسعود قال قال رسول الله صلعم طعام اول يوم حق وطعام يوم الثاني سنة وطعام يوم الثالث سمعة ومن سمع سمع الله به * (الترمذي)

79. **Akramah from Ibn Abbas** reported that the Messenger of Allah prohibited from eating the food of two persons vying for show. —*Abu Daud.*

عن عكرمة عن ابن عباس ان النبي صلعم نهى عن طعام المتباريين ان يؤكل * (ابوداود)

381w. **Abu Hurairah** reported that the Messenger of Allah said: Two persons feeding for show shall not be responded, nor their food be taken. [1345] —*Baihaqi.*

عن ابي هريرة قال قال رسول الله صلعم المتباريان لا يجابان ولا يؤكل طعامهما * (البيهقي)

1343. This proves that none should attend a feast without being invited or receiving permission of the host, and none shall take another with him to take feast if the latter is not invited.

1344. Food for the first day is Wajeb (binding) and for the second day Sunnat, and acceptance of invitation is also Wajeb and Sunnat respectively.

1345. Imam Ahmad interprets the persons as those who vie with one another in feeding out of vanity and pride.

382w. Imran-b-Hussain reported that the Messenger of Allah prohibited to accept food of the transgressors. [1346]

—*Baihaqi.*

عَنْ عِمْرَانَ بْنِ حُصَيْنٍ قَالَ نَهَى رَسُولُ اللّٰهِ صلعم عَنْ إِجَابَةِ طَعَامِ الْفَسِقِيْنَ۔ (الْبَيْهَقِيُّ)

SECTION 13

1347. Sexual Intercourse

The following rules of sexual intercourse should be observed. (1) Before actual coition, hold conversations of sexual love and give caresses and kisses. Play and toy in order to rouse sexual organs for easy cohabitation. (2) Before the act is begun, recite the following :— بسم الله العلـي العظيم الله اكبر الله اكبر (In the name of Allah, the Almighty and Great. Allah is greatest, Allah is greatest). اللهـم جنبنا الشيطان و جنب الشيطان مما رزقتنا (O Allah ! protect us from the devil, and keep the devil aloof from what Thou hast provided us). (3) Don't turn the face to wards the west. (4) At the time when semen runs out, think of this verse or its meaning :— الحمد لله الذي جعل من الماء بشرا فجعل نسبا و صهرا

(All praise is for Allah who created man from water. Then He made for him blood and marriage relationship—25:54Q. (5) Don't let out your semen very soon at least before the overy of your wife comes out. This is made much easier when wife's passions are roused up by kisses and caresses and other tactful ways. (6) Try to enter semen into uterus and don't throw it outside without any excuse. (7) Before your second coition, sexual organs must first be cleansed and washed. (8) Abulution should be made after coition. (9) Coition should be avoided as far as possible in the nights of the new moon, full moon and at the end of the luner month (Ihya of Imam Gazzali). (10) Sexual intercourse is desirable when the husband and the

1346. Transgressors are the oppressors, tyrants and doers of great sins. Their food should not be taken by pious Muslims. The jurists are unanimous in holding that food of the tyrants is unlawful.

wife both show inclination for it, and no forcible coition should take place. When a man calls his wife to bed and she declines, angels curse her and Allah remains displeased with her—2:5 ,61. (11) Coition must always be made with the male organ and the female vaginal canal and never through the rectum—25:112. Let it, however, be understood that any posture for coition may be taken namely, sitting, standing, leaning on one side etc. The Quran says: Your wives are a tilth for you; so come to your tilth as you like—2:223Q.

Prohibitions. On the following occasions, sexual intercourse is unlawful. (1) Intercourse during continuance of the menses of the wife. The Quran says: They ask you about menstruation. Say, it is a little harmful. Therefore keep aloof from women during their menstrual discharge and do not go near them until they are clean—2:212Q. (2) After child-birth till the stoppage of blood nearly up to the 40th day. (3) During the hours of fasting from the appearance of whiteness till the setting of the sun. Intercourse during night is not prohibited even during the fasting month (4) Unnatural intercourse either with a male or with an animal is unlawful—25:106.

Generally speaking, sexual intercourse is desirable when the passions of the husband and the wife are high. It is the duty of the wife to win her husband's mind by submitting to his sexual desire, and whenever a husband casts a glance at a woman with passion, he should at once go to his wife and satisfy his lust. Nobody should whip a wife and then cohabit with her in the night. This is not love but lust. If a man promises not to go unto his wife for four months, and if in the mean-time, he does not have sexual intercourse with her, the wife will be considered as divorced if not taken in the mean time.

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80. **Jaber** reported that the Messenger of Allah said: Verily

عَنْ جَابِرٍ قَالَ قَالَ رَسُوْلُ اللهِ صلعم

a woman advances near in the form of a devil, and goes behind in the form of a devil. When one of you is pleased with a woman and she falls unto his heart, let him be inclined to his wife and have sexual intercourse with her, because it drives away what is in his mind. 1348 —*Muslim.*

إِنَّ الْمَرْأَةَ تُقْبِلُ فِي صُورَةِ شَيْطَانٍ وَتُدْبِرُ فِي صُورَةِ شَيْطَانٍ إِذَا أَحَدُكُمْ أَعْجَبَتْهُ الْمَرْأَةُ فَوَقَعَتْ فِي قَلْبِهِ فَلْيَعْمِدْ إِلَى امْرَأَتِهِ فَلْيُوَاقِعْهَا فَإِنَّ ذَلِكَ يَرُدُّ مَا فِي نَفْسِهِ * (مسلم)

81. **Ayesha** reported that the Messenger of Allah told me: Are the *Mugarrebun* seen among you? I asked: What are the Mugarrebuns? He said: Those with whom Jinn participate (in sexual intercourse). 1349 —*Abu Daud.*

عَنْ عَائِشَةَ قَالَتْ قَالَ لِي رَسُولُ اللهِ صلعم هَلْ رُئِيَ فِيكُمُ الْمُغَرِّبُونَ قُلْتُ وَمَا الْمُغَرِّبُونَ قَالَ الَّذِينَ يَشْتَرِكُ فِيهِمُ الْجِنُّ * (ابوداود)

83. **Jaber** reported that the Jews used to say: If a man comes to his wife by her back for her front, issue will be squint-eyed. Then it was revealed: Your wives are a tilth for you. So come to your tilth as you like (2:223Q). 1350 —*Agreed.*

عَنْ جَابِرٍ قَالَ كَانَتِ الْيَهُودُ تَقُولُ إِذَا أَتَى الرَّجُلُ امْرَأَتَهُ مِنْ دُبُرِهَا فِي قُبُلِهَا كَانَ الْوَلَدُ أَحْوَلَ فَنَزَلَتْ نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ * (متفق عليه)

84. **Ibn Abbas** reported: It was revealed to the Messenger

عَنِ ابْنِ عَبَّاسٍ قَالَ أُوحِيَ إِلَى

1348. This shows that sexual intercourse in day-time is not prohibited. As soon as a husband feels sexual desire, he may satisfy it then and there by going unto his wife That removes the immoral feelings in his mind.

1349. This hadis indicates that before the actual coition, Allah's name must be taken. If not, devils participate in the act of coition.

1350. The Jews used to come unto their wives by the back i.e. by the rectum. This was made unlawful by the Prophet. He directed men to come by the natural way (i.e. vaginal canal) in whatever position they like.

of Allah: Your wives are a tilth for you. So come to your tilth as you like; come from front and back, and guard against the rectum and menstruation.[1351]
—*Ibn Majah, Tirmizi.*

رسول الله صلعم نساؤكم حرث لكم فأتوا حرثكم الآية أقبل وأدبر واتق الدبر والحيضة * (الترمذي و ابن ماجة)

85. **Khuzaimah-b-Sabet** reported that the Messenger of Allah said: Verily Allah is not ashamed of truth. Don't approach women by their backs.
—*Ahmad, Tirmizi, Ibn Majah.*

عن خزيمة بن ثابت أن النبي صلعم قال إن الله لا يستحيي من الحق لا تأتوا النساء في أدبارهن * (احمد و الترمذي و ابن ماجة)

86. **Abu Hurairah** reported that the Messenger of Allah said: Cursed is he who goes unto his wife by her back.
—*Ahmad, Abu Daud.*

عن أبي هريرة قال قال رسول الله صلعم ملعون من أتى امرأته في دبرها * (احمد و ابوداود)

87. **Solaiman-b-Yasar** reported from the Prophet who said about a 'Muzaher' who cohabits before he gives expiation. He said: One expiation only.
—*Tirmizi, Ibn Majah.*

عن سليمان بن يسار عن سلمة بن صخر عن النبي صلعم في المظاهر يواقع قبل أن يكفر قال كفارة واحدة * (الترمذي و ابن ماجة)

88. **Akramah from Ibn Abbas** reported that Ibn Abbas said: A man took oath of separation from his wife, and then he had intercourse with her before he paid expiation. He came to the Prophet and mentioned it to him. He asked: What led you to that?

عن عكرمة عن ابن عباس أن رجلا ظاهر بامرأته فغشيها قبل أن يكفر فأتى النبي صلعم فذكر ذلك له فقال

1351. A man is not allowed to have intercourse with his wife during menstrual period and by her rectum.

1352. Muzaher is one who likens the back of his wife to the back of his mother. When this is done, sexual intercourse becomes unlawful till expiation is made, but this does not make complete separation. The Holy Prophet abolished this Pre-Islamic custom.

He said: O Ms. of Allah, I saw the whiteness of the two buttocks in full moon-lit night and then I could not check my passion from having intercourse with her. The Holy Prophet laughed and directed him not to come near her till he atones. —*Ibn Majah, Tirmizi (Approved, Correct, Rare).*

ما حملك على ذلك قال يا رسول الله رأيت بياض حجليها في القمر فلم أملك نفسي أن وقعت عليها فضحك رسول الله صلعم و امره ان لا يقربها حتى يكفر * ابن ماجة و الترمذي . (حسن صحيح غريب)

383w. Ibn Mas'ud reported that the Messenger of Allah saw a woman who pleased him. He came to Saudah while she was preparing perfumed oil, and there were women near her. He took her to a lonely place and performed his necessity. Then he said: Whoso sees a woman who appears pleasing to him, let him go unto his wife; because there is with her the like of what is with her.[1859] —*Darimi.*

عن ابن مسعود قال رأى رسول الله صلعم امرأة فاعجبته فاتى سودة وهي تصنع طيبا و عندها نساء فاخلينها فقضى حاجته ثم قال ايما رجل رأى امرأة تعجبه فليقم الى اهله فان معها مثل الذي معها * (الدارمي)

384w. Abu Hurairah reported that the Messenger of Allah said: Verily he who comes unto his wife by her back, Allah will not look at him. —*Sharhi Sunnat.*

عن ابي هريرة قال قال رسول الله صلعم ان الذي يأتي امرأته في دبرها لا ينظر الله اليه * (شرح السنة)

385w. Ibn Omar reported that Omar-b-al-Khattab said: Verily kissing belongs to touch. So make ablution from it. —*Mishkat.*

عن ابن عمر ان عمر بن الخطاب قال ان القبلة من اللمس فتوضأوا منها * (المشكوة)

1859. This is by way of teaching to the Prophet's followers. As the Prophet was a great

SECTION 14

1354. Birth Control

There has recently been a movement about birth-control and introduction of various devices to check conception. This movement is chiefly due to free love; and in case of marriage, to get rid of marital responsibilities and obligations. Birth-control is thus opposed to God's intention. Marriage has been defind as the union of two bodies for procreation of children. If birth control is widely practised, there will be a speedy end of population. For this reason, there has recently been a less number of population in countries where birth control methods are frequently used. Some of the Estates offered rewards to parents who can produce a number of children.

In some special cases, however, it can be used in the form of *Azal* which is the taking out of semen when it is about to come out and throwing it outside. In this case also, consent must be obtained from free women. In case of captive girls, no consent is necessary. This form of birth-control may be practised in urgent cases, namely, when the wife is seriously ill. Birth-control by the introduction of sexol, pessaries, rubbers and other methods are totally forbidden as many diseases may arise out of these practices.

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89. **Jaber** reported: We used to do 'Ajal,' while the Quran was being revealed. *Agreed upon it. Muslim added*: This reached the Messenger of Allah, but he did not prohibit us.[1355]

عَنْ جَابِرٍ قَالَ كُنَّا نَعْزِلُ وَ الْقُرْآنُ يَنْزِلُ مُتَّفَقٌ عَلَيْهِ وَ زَادَ مُسْلِمٌ فَبَلَغَ ذَلِكَ النَّبِيَّ صلعم فَلَمْ يَنْهَنَا *

90. **Same** reported that a man came to the Messenger of Allah and said: I have got a girl who is our slave and I am having

عَنْهُ قَالَ إِنَّ رَجُلًا أَتَى رَسُولَ اللّٰهِ صلعم فَقَالَ إِنَّ لِي جَارِيَةً هِيَ خَادِمَتُنَا

teacher of mankind. He left instructions for the guidance of mankind in all matters, great and small. There is no teaching which he himself did not illustrate in his life.

1355. In the period in which the Quran was revealed, birth-control by 'Ajal' was practised by the Arabs, but still it was not prohibited by any verse.

sexual intercourse with her. I dislike that she should conceive. He said: Do Ajal with her if you like, but He will bring soon what has been pre-measured for her. The man stayed for a while, and then came to him and said: Verily the girl has conceived. He said: I have indeed informed you that He would bring to her soon what was predestined for her. —*Muslim.*

وَاَنَا اَطُوْفُ عَلَيْهَا وَاَكْرَهُ اَنْ تَحْمِلَ فَقَالَ اعْزِلْ عَنْهَا اِنْ شِئْتَ فَاِنَّهُ سَيَاْتِيْهَا مَا قُدِّرَ لَهَا فَلَبِثَ الرَّجُلُ ثُمَّ اَتَاهُ فَقَالَ اِنَّ الْجَارِيَةَ قَدْ حَمَلَتْ فَقَالَ قَدْ اَخْبَرْتُكَ اَنَّهُ سَيَاْتِيْهَا مَا قُدِّرَ لَهَا * (مُسْلِمٌ)

91. Abu Sayeed al Khudri reported: We came out to the Prophet in the battle of Banu Mustaliq. We acquired captive girls out of the girls of the Beduin Arabs. We were eager for women, and our long absence (from home) became impatient to us. We loved Ajal and so we wished to do Ajal. We said that we practised Ajal while the Messenger of Allah was behind our backs before we asked him. Then we asked him about it. He said: There's no harm on you if you do not do it. There's no breath that will be created up to the Resurrection Day but it has already come in to existence.[1856] —*Agreed.*

عَنْ اَبِيْ سَعِيْدِ نِ الْخُدْرِيِّ قَالَ خَرَجْنَا مَعَ رَسُوْلِ اللّٰهِ صلعم فِيْ غَزْوَةِ بَنِي الْمُصْطَلِقِ فَاَصَبْنَا سَبَايَا مِنْ سَبَايَا الْعَرَبِ فَاشْتَهَيْنَا النِّسَاءَ وَاشْتَدَّتْ عَلَيْنَا الْعُزْبَةُ وَاَحْبَبْنَا الْعَزْلَ فَاَرَدْنَا اَنْ نَعْزِلَ وَقُلْنَا نَعْزِلُ وَرَسُوْلُ اللّٰهِ صلعم بَيْنَ اَظْهُرِنَا قَبْلَ اَنْ نَسْاَلَهُ فَسَاَلْنَاهُ عَنْ ذٰلِكَ فَقَالَ مَا عَلَيْكُمْ اَنْ لَا تَفْعَلُوْا مَا مِنْ نَسَمَةٍ كَائِنَةٍ اِلٰى يَوْمِ الْقِيٰمَةِ اِلَّا وَهِيَ كَائِنَةٌ * (مُتَّفَقٌ عَلَيْهِ)

1856. It appears from this that slaves with which cohabitation was lawful were only captives of war. It is clear that birth control by the method of Ajal was not too much encouraged It is only a safe-guard in case of extreme necessity, such as wife's ill health owing to constant births. Imam Abu Hanifa holds it as makruh (abominable).

92. Same reported that the Messenger of Allah was asked about *Ajal*. He said: It is not from every water that a child is born; and when Allah wishes to create a thing, nothing can prevent Him. —*Muslim.*

عنه قال سئل رسول الله صلعم عن العزل فقال ما من كل الماء يكون الولد وإذا أراد الله خلق شيء لم يمنعه شيء * (مسلم)

93. Jodamah, daughter of Wahab, reported: I was present before the Prophet (who was) among men, and he was saying: I wished to prohibit you from Gailah-cohabitation.[1857] Then I turned my attention towards Rome and Persia who were then doing Gaila-intercourse during the suckling period of children and that did not do their children any harm. Then they asked him about 'Ajal'. The Ms. of Allah said: That is secret burying alive of children. And that is: When those who were buried alive will be asked for what sin they have been killed (81:9-10Q)[1858] —*Muslim.*

عن جدامة بنت وهب قالت حضرت رسول الله صلعم في أناس وهو يقول لقد هممت أن أنهى عن الغيلة فنظرت في الروم وفارس فإذا هم يغيلون أولادهم فلا يضر أولادهم ذلك شيئا ثم سألوه عن العزل فقال رسول الله صلعم ذلك الوأد الخفي وهي وإذا الموءودة سئلت بأي ذنب قتلت * (مسلم)

94. Asma'a-bn-Yezid reported: I heard the Prophet say: Don't kill your children secretly, because Gaila intercourse will

عن أسماء بنت يزيد قالت سمعت رسول الله صلعم يقول لا تقتلوا أولادكم

1857. Gailah is called suckling during pregnancy. It also means sexual intercourse of husband with his wife at the time when the child is suckling.

1858. The Pre-Islamic Arabs used to guard themselves in this period from having any intercourse lest the child at breast should suffer. The Prophet abolished this idea. Hazrat Ali interpreted 'Ajal' as abortion, and in this case the child was already with life. The Arabs before Islam used to kill their infant daughters when they were born. Here is an allusion of that custom.

overtake a horse man and stumble him down from his horse.[1359]

—*Abu Daud.*

سرا فان الغيل يدرك الفارس فيدعثره عن فرسه * (ابوداود)

95. **Omar-b-al Khattab** reported that the Messenger of Allah prohibited to draw out semen from a free woman without her permission. —*Ibn Majah.*

عن عمر ابن الخطاب قال نهى رسول الله صلعم ان يعزل عن الحرة الا باذنها - (ابن ماجة)

96. **Sa'ad-b-Abi Waqqas** reported that a man came to the Prophet and said: I practise 'Ajal' with my wife. He asked him: Why do you do that? The man replied: I fear for her child-birth. The Messenger of Allah said: Were it to cause injuries, it would have injured the Persians and the Romans. —*Muslim.*

عن سعد بن ابي وقاص ان رجلا جاء الى رسول الله صلعم فقال اني اعزل عن امراتي فقال له رسول الله صلعم لم تفعل ذلك فقال الرجل اشفق على ولدها فقال رسول الله صلعم لو كان ذلك ضارا ضر فارس و الروم - (مسلم)

SECTION 15

1360. Unnatural intercourse

This is the intercourse of a man with a male or a beast, or with a woman by her rectum. In the case of a man's cohabitation with another man, the Holy Prophet said: Whomsoever you find doing the deed of the people of Lot, kill the doer and one on whom it was done—25:106. Verily the most fearful of what I fear over my people is the action of the people of Lot—25:108. It is well-known from the Quran how the people of Lot were destroyed as they were inordinately engrossed in coming to males with lust. Inspite of Lot's warnings, they could not avoid their habits and so they received a grievous punishment in the world. The Quran says: And Lot, when he

1359. In this case, permission was sought for birth control as there was a suckling child.

said to his people : What ! do you commit an indecency which none in the world has done before you ? Certainly you come to males in lust besides the females. Nay, you are an extravagant people. So We delivered him and his followers except his wife. She was one of those who were drowned. We rained upon them a (heavy) rain. Consider then what was the end of the guilty—7:80 to 84Q. The Almighty and Glorious Allah will not look to a man who comes to a man (with lust) or to a woman by her rectum—25:112. Regarding intercourse of a man with a beast or an animal, the Holy Prophet said : Whoso comes to an animal (with lust), kill him. Regarding intercourse by the rectum of a woman, it has been strongly condemnd by traditions—25:112,27:83,84,85.

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1. **Ibn Abbas** reported that the Apostle of Allah said : Whoso comes to an animal (with lust), kill him and kill it with him.

—*Abu Daud, Ibn Majah.*

عَنْ ابْنِ عَبَّاسٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم مَنْ أَتَى الْبَهِيمَةَ فَاقْتُلُوهُ وَاقْتُلُوهَا مَعَهُ - (أبوداود وابن ماجة)

SECTION 16

1361. Chastity.

Chastity is a great virtue in a man or a woman. A chaste woman is a great asset to a husband, and a chaste husband to a woman. Unchastity in any form has been made unlawful by the Holy Quran. It says : Say : My Lord has prohibited indecencies, those of them that are apparent as well as those that are concealed—7:33Q. The Quran says that everyone will be destroyed except those who guard their private parts except in the case of their wives and those whom their right hands possess—70:29,30Q. In order to check free intermingling of men and women, the following preventive measures have been taken: Say to the believing men that thy cast down their looks and guard their private parts. That is pure for them ; surely

1060a. All the four Imams agreed that the man shall not be killed though the animal may be killed. It was a mere threat.

Allah is aware of what they do. And say to the believing women that they cast down their looks and guard their private parts and not display their ornaments—24:30,31Q. Paradise is unlawful for a husbandman who allows his females to prostitute—25:1'3,354w. Allah will not talk with an old formcator on the Judgement Day 26:40. There is even fornication of limbs—32:6. See note 456 for control of passions and note 1190 for sentence of fornication and adultery.

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98. **Bahaz-b-Hakim** reported that the Ms. of Allah said: Protect your private part except from your wife or what your right hand possesses. I asked: O Ms. of Allah! inform me in case a man is alone. He said: Allah is then more to be ashamed of. —*Tirmizi, Abu Daud, Ibn Majah.*

عَنْ بَهْزِ بْنِ حَكِيْمٍ عَنْ أَبِيْهِ عَنْ جَدِّهِ قَالَ قَالَ رَسُوْلُ اللهِ صلعم اِحْفَظْ عَوْرَتَكَ اِلَّا مِنْ زَوْجَتِكَ اَوْمَا مَلَكَتْ يَمِيْنُكَ قُلْتُ يَا رَسُوْلَ اللهِ اَفَرَاَيْتَ اِذَا كَانَ الرَّجُلُ خَالِيًا قَالَ فَاللهُ اَحَقُّ اَنْ يُسْتَحْيٰى مِنْهُ *

(اَلتِّرْمِذِيُّ وَ اَبُوْدَاوُدَ وَابْنُ مَاجَةَ)

99. **Omar** reported from the Prophet who said: A man shall never keep alone with a woman except that the third between them is the devil.[1362] —*Tirmizi.*

عَنْ عُمَرَ عَنِ النَّبِيِّ صلعم قَالَ لَا يَخْلُوَنَّ رَجُلٌ بِامْرَاَةٍ اِلَّا كَانَ ثَالِثُهُمَا الشَّيْطٰنُ *

(اَلتِّرْمِذِيُّ)

SECTION 17

1363. Polygany

(a) **Polygamy was prevalent in ancient societies.** The Medes, Babylonians, Assyrians, Parsians and the Israilites practised polygamy and there was no restriction as to the number of wives they

1362. Let those who advocate free mixing of man and woman ponder over this tradition.

took. The Talmud of Jerusalem restricted the number on the consideration of ability of the husband to maintain wives. Among the Athenians, the most civilized and cultured nations of antiquity, the wife was a mere chattel, marketable and transferable and subject of testamentary disposition. Thus morganatic marriages were prevalent among the aristocracy and the clergy. Moses, Abraham, David, Solomon and other great prophets took several wives.

(b) **Islam did nothing but put a limit to polygamy.** Monogamy is the rule in Islam, while polygamy is an exception. The Quran clears up this idea by saying: Mary such women as seem good to you, two, three or four; but if you fear that you cannot do equal justice to them all, you should marry only one—4:3Q. Thus it is seen that the condition of equal treatment among several wives has been laid in order to the desirability of a monogamous life. It has again been emphasised by the Quran saying: And you have not in your power to do justice among the wives though you may covet it, but be not disinclined from one with total disinclination, so that you leave her as if hanging in the air—(4:129Q). From these two verses, it is clear that Islam enjoins taking only one wife but it keeps reservation and safe-guard for four to meet cases of emergency. As Islam gives us a perfect code of marriage without any necessity of future legislation, it kept its laws elastic in order that they may be adaptable in every circumstance and in every condition of society.

Special cases. After the battle of Uhud, when male members were killed, the widows were large in numbers. Polygamy was therefore introdued in order to give a protection to the helpless widows. This measure also saved immorality of the society that would have possibly been created by the existence of a large number of young widows. After the European war, the necessity of polygamy was keenly felt. Prostitution is in the increase with the advancement of civilization, and morganatic and left handed sexual intercourses are prevalent in the present societies and eating them like a canker with its concomitant increase of bastardy. These are unknown to countries where polygamy is prevalent. Indeed man is polygamous in nature. It is Islam which legalised up to a cer-

tain limit the number of such polygamous intercourse. Therefore polygamy is surely better then secret associations with women.

The following conclusions are therefore drawn from what has been stated above.

(1) Prostitution can be abolished by the introduction of polygamy. Prostitution is absent in Islamic countries on account of polygamy in marriages.

(2) Secret promiscuous connection and social and indecent crimes can be efficiently checked by the introduction of polygamy to the welfare of the society. If physical preservation is necessary, moral preservation is no less necessary.

(3) Monogamy is the general rule, while polygamy is a reservation for abnormal circumstances, as for example, decrease of population, constant illness of the wife etc.

Turns among several wifes. If a man has got several wives at a time, there must be strict neutrality in outward treatments, such as in articles of food, clothing and accommodation. Companionship with wives must also be equally divided in a month. Control of mind is in the hand of Allah and so a man is not guilty if his mind naturally turns to one wife, but he can treat equally with all his wives regarding residence and company.

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100. **Oqbah-b-A'mer** reported that the Messenger of Allah said: Whoso finds out defects and then conceals them, becomes like one who gives life to a child buried alive.

—*Ahmad, Tirmizi.*

عَنْ عُقْبَةَ بْنِ عَامِرٍ قَالَ رَسُولُ اللهِ صلعم مَنْ رَأَى عَوْرَةً فَسَتَرَهَا كَانَ كَمَنْ أَحْيَى مَوْؤُدَةً * (احمد و الترمذي)

101. **Ayesha** reported that the Prophet stayed near Zainab-b-Jahash and drank (honey) from her. So I and Hafsah held consultation that to whomsoever

عَنْ عَائِشَةَ أَنَّ النَّبِيَّ صلعم كَانَ يَمْكُثُ عِنْدَ زَيْنَبَ بِنْتِ جَحْشٍ وَشَرِبَ عِنْدَهَا عَسَلاً فَتَوَاصَيْتُ أَنَا وَحَفْصَةُ أَنَّ

أيتنا تدخل عليها النبي صلعم فلتقل إني أجد منك ريح مغافير أكلت مغافير فدخل على إحداهما فقالت له ذلك فقال لا بأس شربت عسلا عند زينب بنت جحش فلن أعود له وقد حلفت لا تخبري بذلك أحدا يبتغي مرضات أزواجه فنزلت يا أيها النبي لم تحرم ما أحل الله لك تبتغي مرضات أزواجك الآية . (متفق عليه)

of us the Prophet comes, she should say: Certainly I get from you the smell of bee-stool. You have eaten bee-stool. Then he came to another of them and she told the same to him. He said: There is no harm, I have drunk honey from Zainab-b-Jahsh, but I shall never repeat it. I have taken an oath. Don't inform it to any other who seeks the pleasure of his wives. Then it was revealed: O Prophet, why do you make unlawful what Allah has made lawful for you, seeking the pleasure of your wives? —*Agreed.*

عن عائشة أن رسول الله صلعم خرج من عندها ليلا قالت فغرت عليه فجاء فرأى ما أصنع فقال مالك يا عائشة أغرت فقلت وما لي لا يغار مثلي على مثلك فقال رسول الله صلعم لقد جاءك شيطانك قالت يا رسول الله أمعي شيطان قال نعم قلت ومعك يا رسول الله قال نعم ولكن أعانني الله عليه حتى أسلم * (مسلم)

102. **Ayesha** reported that the Messenger of Allah came out from her side at night. She said: Then I became enraged at him. He returned and saw what I was doing. He asked: What is the matter with you, O Ayesha? Have you become enraged? I said: And what is the matter with me? One like me cannot be enraged on one like you. Then the Messenger of Allah said: Your devil has came to you. She said: O Ms. of Allah, is there a devil with me? 'Yes' he said: I asked: And with you too, O Ms. of Allah? 'Yes' said he, 'but Allah helped me over him till he submitted.' [1364] —*Muslim.*

1364. The Ms. of Allah went to the grave-yard at night where the martyrs lie

103. Ibn Omar reported that Gailan-b-Salamah al-Saqafi accepted Islam, while he had 10 wives of the Days of Ignorance. They also embraced Islam with him. The Holy Prophet said: Keep four and separate the rest. 1365 —*Ahmad, Tirmizi, Ibn Majah.*

عَنْ ابْنِ عُمَرَ اَنَّ غَيْلَانَ بْنَ سَلَمَةَ الثَّقَفِيَّ اَسْلَمَ وَلَهُ عَشْرُ نِسْوَةٍ فِي الْجَاهِلِيَّةِ وَاَسْلَمْنَ مَعَهُ فَقَالَ النَّبِيُّ صلعم اَمْسِكْ اَرْبَعًا وَفَارِقْ سَائِرَهُنَّ * (اَحْمَدُ وَالتِّرْمِذِيُّ وَابْنُ مَاجَةَ)

104. Ibn Abbas reported that the Messenger of Allah died leaving nine wives, and he used to have turns for eight among them. —*Agreed.*

عَنِ ابْنِ عَبَّاسٍ اَنَّ رَسُولَ اللّٰهِ صلعم قُبِضَ عَنْ تِسْعِ نِسْوَةٍ وَكَانَ يَقْسِمُ مِنْهُنَّ لِثَمَانٍ * (مُتَّفَقٌ عَلَيْهِ)

105. Ayesha reported that when Saudah grew old, she said: O Ms. of Allah, I have given my day from you to Ayesha. Then the Prophet used to allot two days for Ayesha, her one day and one day of Saudah. —*Agreed.*

عَنْ عَائِشَةَ قَالَتْ اِنَّ سَوْدَةَ لَمَّا كَبِرَتْ قَالَتْ يَا رَسُولَ اللّٰهِ قَدْ جَعَلْتُ يَوْمِي مِنْكَ لِعَائِشَةَ فَكَانَ رَسُولُ اللّٰهِ صلعم يَقْسِمُ لِعَائِشَةَ يَوْمَيْنِ يَوْمَهَا وَيَوْمَ سَوْدَةَ (مُتَّفَقٌ عَلَيْهِ)

106. Same reported that the Ms. of Allah used to enquire in his illness of which he died: Where shall I pass tomorrow? Where shall I pass tomorrow? —intending the day of Ayesha. His wives gave him permission to pass where he liked. He

عَنْهَا اَنَّ رَسُولَ اللّٰهِ صلعم كَانَ يَسْاَلُ فِي مَرَضِهِ الَّذِي مَاتَ فِيهِ اَيْنَ اَنَا غَدًا اَيْنَ اَنَا غَدًا يُرِيدُ يَوْمَ عَائِشَةَ فَاَذِنَ لَهُ اَزْوَاجُهُ يَكُونُ حَيْثُ شَاءَ وَكَانَ فِي

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buried, and began to remember Allah with tears. Ayesha thought that he went to her co-wife's house and therefore she became enraged and went out in his search. When she found him in the grave-yard weeping, she ran towards her house quite fatigued. Prophet saw it and asked her the reason of her exhaustion.

1365. The pre-Islamic custom of marrying a large number of wives has been abolished, and limitation in marriage has been put to four. This tradition shows that when a polytheist turns a Muslim, he need not renew his marriage with his former wives who accept Islam. After conversion, they must conform to the rules of Islam.

was then in the house of Ayesha till he died near her. —*Bukhari.*

107. **Same** reported that when the Prophet wished to take journey, he used to caste lots among his wives. Whoso's lot comes out first, he took her with him. —*Agreed.*

108. **Abu Qelabah** reported from Anas who said: It is pertaining to sunnat that when a man marries a virgin over a married woman having consummation, he shall stay with her for seven days and then shall have turns; and when he marries a consummated married woamn, he shall stay with her for three days and then he shall have turns. Abu Qelabah said: If you wished, I would have said that Anas had raised it up to the Holy Prophet.[1966] —*Agreed.*

109. **Abu Bakr-b-Abdur Rahman** reported that the Prophet, when he married Ommo Salamah and stayed with her till morning, he said to her: You have got no preference over your co-wives. If you like, I shall pass seven nights with you and seven with them; and if you like, I shall pass three nights with you and then I shall have turns. She said: Pass three nights. In a narration, he said to her: For

بيت عائشة حتى مات عندها * (البخاري)

عنها قالت كان رسول الله صلعم اذا اراد سفرا اقرع بين نسائه فايتهن خرج سهمها خرج بها معه * (متفق عليه)

عن ابي قلابة عن انس قال من السنة اذا تزوج الرجل البكر على الثيب اقام عندها سبعا وقسم واذا تزوج الثيب اقام عندها ثلاثا ثم قسم قال ابو قلابة ولو شئت لقلت ان انسا رفعه الى النبي صلعم - (متفق عليه)

عن ابي بكر بن عبد الرحمن ان رسول الله صلعم حين تزوج ام سلمة واصبحت عنده قال لها ليس بك على اهلك هوان ان شئت سبعت عندك وسبعت عندهن وان شئت ثلثت عندك ودرت قالت ثلث وفي رواية

1966. Imam Abu Hanifa holds that there is no distinction betweeg a married and virgin woman. He explains it away by saying that the husband must pass seven consequtive days to each. This seems, however, to be inconsistent with the spirit of the text.

a virgin 7 nights, and for consummated married woman 3 nights. —*Muslim*.

أنه قال لها للبكر سبع وللثيب ثلث .
(مسلم)

110. Ayesha reported that the Messenger of Allah used to have turns among his wives and do justice. He used to say: O Allah! this is my division in what I can control. So don't blame me in what Thou dost control in what I do not control. —*Tirmizi, Abu Daud, Ibn Majah*.

عن عائشة أن النبي صلعم كان يقسم بين نسائه فيعدل فيقول اللهم هذا قسمي فيما أملك فلا تلمني فيما تملك ولا أملك *
(الترمذي و أبوداود و ابن ماجة)

111. Ata'a reported: We were present with Ibn Abbas at the funeral of Maimunah at Saraf. He said: She is the wife of the Messenger of Allah. So when you raise her bier, don't shake or move it, but honour it, because there were nine wives near the Prophet among whom he used to have turns for eight and no turn for one. Ata'a said: It has reached us that the one for whom the Prophet had no turn was Safiyyah, and she was the last among them to die. She died at Medina.[1397] —*Agreed*.

عن عطاء قال حضرنا مع ابن عباس جنازة ميمونة بسرف فقال هذه زوجة رسول الله صلعم فاذا رفعتم نعشها فلا تزعزعوها ولا تزلزلوها وارفقوا بها فانه كان عند رسول الله صلعم تسع نسوة كان يقسم منهن لثمان ولا يقسم لواحدة قال عطاء التي كان رسول الله صلعم لا يقسم لها بلغنا أنها صفية وكان آخرهن موتا ماتت بالمدينة * (متفق عليه)

112. Abu Hurairah reported that the Prophet said: No woman shall seek the divorce of her sister (co-wife) to make

عن أبي هريرة قال قال رسول الله صلعم لا تسئل المرأة طلاق أختها لتستفرغ

1397. It appears that this is not historically true. It was Saudah who had no turn because she willingly surrendered her turn in favour of Ayesha.

her cup empty and then to get married. There is for her what has been predestined for her. —*Agreed.*

صفحتها ولتنكح فان لها ما قدر لها *
(متفق عليه)

112a. **Anas** reported that the Ms. of Allah took oath of separation from his wives for a month, and his feet were restrained. He stayed in a hillock for 29 nights. Afterwards he came down. They asked: O Ms. of Allah, have you taken oath for separation for a month? He replied: Verily a month consists of 29 days. —*Bukhari.*

عن انس قال آلى رسول الله صلعم
من نسائه شهرا وكانت انفكت رجله
فاقام في مشربة تسعا وعشرين ليلة
ثم نزل فقالوا يا رسول الله آليت شهرا
فقال ان الشهر يكون تسعا وعشرين *
(البخاري)

386w. **Naufal-b-Mu'wayiah** reported: I accepted Islam while there were 5 wives under me. I asked the Prophet who said: Separate one and keep four. I inclined towards one who was first in association with me—cohabiting for the (last) sixty years. I separated her. —*Sharhi Sunnat.*

عن نوفل بن معاوية قال اسلمت
وتحتي خمس نسوة فسألت النبي صلعم
فقال فارق واحدة وامسك اربعا فعمدت
الى اقدمهن صحبة عندي عاقر منذ ستين
سنة ففارقتها * (شرح السنة)

SECTION 18

1363. Mu'ta Marriage

Muta (متعة) or temporary marriage is a marriage which is cantracted for a fixed time, say a month, a year or some days with some dower specified. It has recently gained currency among the Shias. It is absolutely illegal. This kind of marriage, the Shias establish, on the basis of tradition 27:115 reported by Ibn Mas'ud. But all the companions agreed that the Prophet once allowed

temporary marriage for three days at war time but he afterwards cancelled his order. This is supported by the traditions in this section. Ibn Mas'ud and Ibn Abbas retracted their opinions afterwards when they were informed of its illegality by the other companions.

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113. **Ali** reported that the Messenger of Allah prohibited temporay marriage of women on the Day of Khaiber, and eating of meat of domesticated asses. [1369] —*Agreed.*

عن علي ان رسول الله صلعم نهى عن متعة النساء يوم خيبر و عن اكل لحوم الحمر الانسية * (متفق عليه)

114. **Salamah-b-Akwa'a** reported that the Holy Prophet gave permission of Mu'ta marriage for three days in the year of Autas. Then he prohibited it. —*Muslim.*

عن سلمة بن الاكوع قال رخص رسول الله صلعم عام اوطاس في المتعة ثلثا ثم نهى عنها * (مسلم)

115. **Ibn Mas'ud** reported: We were fighting along with the Ms. of Allah while (our) wives were not with us. We said: Shall we not undergo castration? The Holy Prophet forbade us from that. Afterwards he made lawful for us Mu'ta marriage. So all of us married a woman for a fixed term in exchange of a cloth. Afterwards Abdullah recited: O those who believe! don't make unlawful the good things which Allah has made lawful for you (5:87Q). [1370] —*Agreed.*

عن ابن مسعود قال كنا نغزوا مع رسول الله صلعم ليس معنا نساء فقلنا الا نختصي فنهانا عن ذلك ثم رخص لنا ان نستمتع فكان احدنا ينكح المرأة بالثوب الى اجل ثم قرأ عبد الله يايها الذين امنوا لا تحرموا طيبت ما احل الله لكم * (متفق عليه)

1369. The siege of Khaiber took place in 7 A. H.

1370. This allowance was given only for three days when the companions felt the necessity of their wives in the war time owing to their long absence from home.

116. **Ibn Abbas** reported: Verily Mu'ta marriage was in the beginning of Islam. A man used to to go to a city wherein there was no acquaintance for him. So he used to marry a woman for a time which he would have considered to remain. She used to protect his goods for him and cook his food till this verse was revealed —Except upon their wives or what their right hands possessed. Ibn Abbas said: Then every private part except that of these (two) is unlawful. —*Tirmizi.*

عن ابن عباس قال انما كانت المتعة في اول الاسلام كان الرجل يقدم البلدة ليس له بها معرفة فيتزوج المرأة بقدر ما يرى انه يقيم فتحفظ له متاعه وتصلح له شيئه حتى اذا نزلت الاية الا على ازواجهم او ما ملكت ايمانهم قال ابن عباس فكل فرج سواهما فهو حرام* (الترمذي)

SECTION 19

1371. Pardah (الحجاب)

The institution of Pardah or seclusion of women from the outside world by confining them within the four walls of a house as is now prevalent in India was quite unknown to original Islam and its teachings. Nevertheless blame is thrown upon Islam that it has perpetuated female seclusion thereby debarring all doors of physical and mental progress. The Quran says: Say to the believing *men that they cast down their looks* and guard their private parts, that is purer for them. Surely Allah is aware of what they do. And say to the believing *women that they cast down their looks* and guard their private parts *and not display their ornaments* except to their husbands, or their fathers, or the fathers of their husbands, or their sons, or sons of their husbands, or their brothers, or the sons of their brothers, or their sister's sons, or their women, or those whom their right hands possess, or male servants not having received of women, or the children who have not attained knowledge of what is hidden of women, and *let them not strike their feet*, so that what they hide

of their ornaments may be known; turn to Allah, all of you, O believers, so that you may be successful—24:30,31Q. O Wives of the Prophet! You are not like any other woman. If you fear God, *be not soft in your speech* lest he in whose heart is a disease yearns, and speak good word. And stay in your houses and *do not display your finery* like the displaying of the Dark Age—33:22Q. The above rule is only for the wives of the Prophet. Still it is really a rule of life for all Muslim women and promotes purity of heart and chastity in the relations between the sexes. They are not forbidden to speak to men but as a safe-guard to all possible inclinations of the heart to evil thoughts, they are told not so indulge in soft and amormous conversation with the opposite sex. "O Prophet! say to your wives and your daughters and the women of the believers that *they let down upon their bosombs their over-garments.* This will be more proper that they may be known and thus they will not be given trouble; and Allah is Forgiving, Merciful."—33:59Q. "O you who believe, let those whom your right hands possess and those of you who have not attained puberty *ask permission* of you three times, before the morning prayer, and when you put off your clothes at mid-day in summer and after the prayer of the night fall, these are the three *times of privacy* for you; neither it is a sin for you, nor for them besides these, some of you must go round about waiting upon others. Thus does Allah make clear to you the communications and Allah is Knowing, Wise. And when the children amongst you have attained puberty, let them seek permission as those before them sought permission. Thus does Allah make clear to you the communications and Allah is Knowing, Wise. And as for those women who are advanced in years and who do not hope for a marriage, it is no sin for them if they put off their clothes without displaying their ornaments and if they restrain themselves it is better for them and Allah is Hearing, Knowing—24:58Q. In the first verse, the Quran speaks of man and woman to have their looks cast down and so have their private parts guarded from being attacked or violated. This is quite apparent, therefore, that if women were totally forbidden to go out of their houses, men would not have been required to cast down their looks and to guard their private

parts. In a society in which women never appeared in public, the injunction to men to have their looks cast down would have been meaningless; and if women would never leave their houses, the injunction to women to have their looks cast down would have been impossible. Thus Islam gives permission to men and women to go out of their houses. The restrictions to men are that they should cast down their looks when they see a woman and that they guard their private parts. The restrictions of the women are the following :—

(1) They will cast down their look.

(2) They will guard their private parts.

(3) They will not display their limbs except what is (i.e. hands and face), and they can display their ornaments to near exposed relatives mentioned in the verse.

(4) They should cover themselves by an external wrapper or an over-coat; and their exposure of neck, bosom and arms is forbidden.

(5) They should not strike ornaments over their feet as the use of the ornaments whose sounds may be audible is prohibited. Thus a Muslim woman has the liberty of going out but without any magnificent dress and ornaments. They must not expose any limb except hands, face and feet. They are however not allowed free intercourse and intermingling with men. In the third verse also, it is made clear that the women should keep within their houses and whenever any man of full age comes, he should seek permission first before he enters the house. Thus it indicates that personal and family privacy are of the utmost importance in the betterment of social relations and their non-observance leads to all kinds of false reports.

It appears therefore from what has been stated above that Islam adopts a *via media* between the total casting off of the veil followed by free intermingling of sexes both outside and inside houses on one hand and the imprisonment within four walls of a house on the other. Pardah is a Persian word and connotes that it is a national local custom. It came in to vogue during the Ommeyyade Caliph Walid II (Short history of the Saracens. p. 69). What the Quran enjoins on both men and women is decent dressing and deprotment. Pardah, as popularly understood, is possible only among the upper

and the middle classes. On the other hand, the labouring class of women who toil hard for their daily food are not expected to observe it. Islam, being perfect, has not left the labouring class without legislation. Even during the Prophet's life time, women used to be taken by the Arabs in holy wars. Omme Aliyyah accompanied the Prophet in seven wars, Safia killed a Jew at the time of the battle of the Ditch, Hazrat Ayesha took part in the battle of the Camel after the death of the Prophet. Women attended congregational prayers in the mosque. But still the Hijab (or the household privacy or the outward decorum) is sometimes necessary, not because women are considered unworthy of confidence, but on account of the sanctity of conjugal happiness and domestic peace or to regulate the intimate relationship of husband and wife. There is every chance of a bitter end in case strangers are freely allowed in a family.

In order to prevent every chance of falling in to evil ways, the following restrictions have been put by the Prophet to the movement of women :

(1) It is not lawful to cast look to the private parts of a woman except hands, faces, and feet. There is exception only in the case of wives and slave-girls. No female can lawfully look towards another female so far as the private parts are concerned.

(2) The private part of a free woman is the entire body except the face, two hands and two feet.

(3) A judge can see any limb he likes for decision in a case before him.

(4) It is lawful to have a first glance at a woman but not a second one (27:21).

(5) A woman may go out covering his entire body (27:26) but not in nudity or semi-nudity (27:32),and not by displaying fineries.

(6) A woman shall not remain alone with a man, because the devil then comes in—27:35.

(7) No man shall visit a woman duing the absence of her husband from home.

(8) No man shall enter a house without previous parmission of the owner of the house. If permission is refused, he shall return.

117. Jaber reported M y t was divorced thrice. She then intended to get her date-trees. A man threatened her for her coming out. She came to the Prophet who said : Yes, Take your date trees. It is perhaps she will make gift or do some good act. —*Muslim.*

عَنْ جَابِرٍ قَالَ طُلِّقَتْ خَالَتِي ثَلَاثًا فَأَرَادَتْ أَنْ تَجُدَّ نَخْلَهَا فَزَجَرَهَا رَجُلٌ أَنْ تَخْرُجَ فَأَتَتِ النَّبِيَّ صلعم فَقَالَ بَلَى فَجُدِّي نَخْلَكِ فَإِنَّهُ عَسَى أَنْ تَصَدَّقِي أَوْ تَفْعَلِي مَعْرُوفًا * (مُسْلِمٌ)

118. Abu Sayeed reported that the Messenger of Allah said : No man shall look to the private parts of a man, and no woman to the private parts of a woman, nor a man shall be with another man under the same cloth, nor a woman with a woman under the same cloth. 1372 —*Muslim.*

عَنْ أَبِي سَعِيْدٍ قَالَ قَالَ رَسُولُ اللهِ صلعم لَا يَنْظُرُ الرَّجُلُ إِلَى عَوْرَةِ الرَّجُلِ وَلَا الْمَرْأَةُ إِلَى عَوْرَةِ الْمَرْأَةِ وَلَا يُفْضِي الرَّجُلُ إِلَى الرَّجُلِ فِي ثَوْبٍ وَاحِدٍ وَلَا يُفْضِي الْمَرْأَةُ إِلَى الْمَرْأَةِ فِي ثَوْبٍ وَاحِدٍ * (مُسْلِمٌ)

119. Jaber reported that the Messenger of Allah said : Behold ! a man must not pass a night near a married woman who had consummation, except his being a husband, or within the prohibited degrees. —*Muslim.*

عَنْ جَابِرٍ قَالَ قَالَ رَسُولُ اللهِ صلعم أَلَا لَا يَبِيتَنَّ رَجُلٌ عِنْدَ امْرَأَةٍ ثَيِّبٍ إِلَّا أَنْ يَكُونَ نَاكِحًا أَوْ ذَا مَحْرَمٍ . (مُسْلِمٌ)

120. Oqbah-b-A'mer reported that the Messenger of Allah said : Be careful of coming to women. A man asked : O Ms. of Allah, inform (me) about husband's relations. He said :

عَنْ عُقْبَةَ ابْنِ عَامِرٍ قَالَ قَالَ رَسُولُ اللهِ صلعم إِيَّاكُمْ وَالدُّخُولَ عَلَى النِّسَاءِ فَقَالَ رَجُلٌ يَا رَسُولَ اللهِ أَرَأَيْتَ الْحَمْوَ

1372. The private part of a man is from the navel down to knee-joints and of a woman the whole of her body except hands, feet and face. It is lawful to keep these things exposed before a stranger.

Husband's relations are (as it were) death. [1373] —*Agreed.*

قَالَ الْحَمْوُ الْمَوْتُ * (مُتَّفَقٌ عَلَيْهِ)

121. **Jaber** reported that Omme Salamah sought permission of the Messenger of Allah for cupping. He ordered Abu Taybah to cup her. He said: I thought that he is her foster brother or a boy not yet grown up. —*Muslim.*

عَنْ جَابِرٍ أَنَّ أُمَّ سَلَمَةَ اسْتَأْذَنَتْ رَسُولَ اللهِ صلعم فِي الْحِجَامَةِ فَأَمَرَ أَبَا طَيْبَةَ أَنْ يَحْجُمَهَا قَالَ حَسِبْتُ أَنَّهُ كَانَ أَخَاهَا مِنَ الرَّضَاعَةِ أَوْ غُلَامًا لَمْ يَحْتَلِمْ * (مُسْلِمٌ)

122. **Jarir-b-Abdullah** reported: I asked the Prophet about glance at a strange woman. He ordered me to turn away my glance. [1374] —*Muslim.*

عَنْ جَرِيرِ بْنِ عَبْدِ اللهِ قَالَ سَأَلْتُ رَسُولَ اللهِ صلعم عَنْ نَظَرِ الْفَجَاءَةِ فَأَمَرَنِي أَنْ أَصْرِفَ بَصَرِي . (مسلم)

123. **Ibn Mas'ud** reported from the Prophet who said: A woman is (like) a private part. When she goes out, the devil casts glance at her. [1375] —*Tirmizi.*

عَنْهُ عَنِ النَّبِيِّ صلعم قَالَ الْمَرْأَةُ عَوْرَةٌ فَإِذَا خَرَجَتْ اسْتَشْرَفَهَا الشَّيْطَانُ . (التِّرْمِذِي)

124. **Boraidah** reported that the Messenger of Allah said to Ali: O Ali! don't allow your glance to follow a glance, because the first (glance) is for you, and the other is not for you. —*Ahmad, Tirmizi, Abu Daud.*

عَنْ بُرَيْدَةَ قَالَ قَالَ رَسُولُ اللهِ صلعم لِعَلِيٍّ يَا عَلِيُّ لَا تُتْبِعِ النَّظْرَةَ النَّظْرَةَ فَإِنَّ لَكَ الْأُولَى وَلَيْسَتْ لَكَ الْآخِرَةُ . (أَحْمَد وَالتِّرْمِذِي وَأَبُودَاوُد)

1373. Hamwa is relations of husband except father and son. It means that mixing with the relations of a husband is bad, as it may lead to indecent intimacy. It will destroy her as death destroys a man.

1374. First sight at a strange woman is lawful, but the next sight is unlawful.

1375. This means that just as a private part remains covered, so woman should cover herself from top to bottom. When she comes out, she usually recives glances from the public. Therefore she should be more covered with Pardah when coming out. Sight of a private part sends thrill into the body. Therefore as the sight of a woman generally sends a thrill in body, she is regarded as a private part.

125. **Amr-b-Shuaib** from his father from his grand father reported from the Prophet who said: When some one of you gets his slave married to a slave girl, he must not look to her private parts. *In a narration*: He must not look at what is below navel and above knee-joints. —*Abu Daud.*

عن عمرو ابن شعيب عن ابيه عن جده عن النبي صلعم قال اذا زوج احدكم عبده امته فلا ينظرن الى عورتها وفي رواية فلا ينظرن الى ما دون السرة وفوق الركبة ۔ (ابوداود)

126. **Jorhad** reported that the Prophet said: Do you not know that the thigh is a private part? —*Tirmizi, Abu Daud.*

عن جرهد ان النبي صلعم قال اما علمت ان الفخذ عورة ۔ (الترمذي و ابوداود)

127. **Ali** reported that the Prophet said to him: O Ali, don't keep your thigh exposed, and don't look at the thigh of any living man, or of a dead man. —*Abu Daud, Ibn majah.*

عن علي ان رسول الله صلعم قال له يا علي لا تبرز فخذك ولا تنظر الى فخذ حي ولا ميت ۔ (ابوداود و ابن ماجة)

128. **Ayesha** reported that the Messenger of Allah went to her while there was a man near her. He as it were disliked it. She said: He is my brother. He said: See your brothers, because suckling is on account of hunger. —*Agreed.*

عن عائشة ان النبي صلعم دخل عليها وعندها رجل فكانه كره ذلك فقالت انه اخي فقال انظرن من اخوانكن فانما الرضاعة من المجاعة ۔ (متفق عليه)

129. **Ibn Omar** reported that the Messenger of Allah said: Take care of nudity, because there are those with you who will not separate from you except near privy and when a man goes unto his wife. So be

عن ابن عمر قال قال رسول الله صلعم اياكم و التعري فان معكم من لا يفارقكم الا عند الغائط وحين يفضي

1376a. These are angels who remain always with men.

ashamed of them and honour them.[1375a] —*Tirmizi.*

الرجل إلى أهله فليستحيوهم وأكرموهم - (الترمذي)

130. **Omme Salamah** reported that she and Maimunah were near the Prophet when Omme-Maktum came and went to him. The Prophet said: Screen from him. I asked: O Ms. of Allah, is he not a blind man who does not see us? The Holy Prophet said: Are you blind, and do you not see him?[1376]

—*Ahmad, Tirmizi, Abu Daud.*

عن أم سلمة أنها كانت عند رسول الله صلعم وميمونة إذ أقبل ابن أم مكتوم فدخل عليه فقال رسول الله صلعم احتجبا منه فقلت يا رسول الله صلعم أليس هو أعمى لا يبصرنا فقال رسول الله صلعم أفعمياوان أنتما ألستما تبصرانه - (أحمد والترمذي وأبو داود)

131. **Jaber** reported from the Prophet who said: Don't visit women whose husbands are absent, because the devil runs through you the running of blood. We asked: Through you too, O Ms. of Allah? He said: And through me too, but Allah helped me over him and he submitted. —*Tirmizi.*

عن جابر عن النبي صلعم قال لا تلجوا على المغيبات فإن الشيطان يجري من أحدكم مجرى الدم قلنا ومنك يا رسول الله قال ومني ولكن الله أعانني عليه فأسلم * (الترمذي)

132. **Anas** reported that the Prophet came to Fatimah with a slave whom he gifted to her. There was a piece of cloth over Fatimah. When her head was covered with it, it did not reach up to her legs; and when her legs were covered with it, it did not reach her head. When the

عن أنس أن النبي صلعم أتى فاطمة بعبد قد وهبه لها وعلى فاطمة ثوب إذا قنعت به رأسها لم يبلغ رجليها وإذا غطت به رجليها لم يبلغ رأسها

1376. This shows that a man cannot even see a woman, nor a woman man. The jurists however interpret it for the extremely pious. The jurists hold it lawful for a man to have a first glance on a woman or of a woman on man. This is seen from the hadis in which Hazrat Ayesha was seen looking play of slaves when she was only 16 years of age at 9 A.H. This was after the verse of screen was revealed.

Messenger of Allah saw what she was throwing, he said: There is no sin for you therefor. He is your father, and (he is) your slave. 1877

—*Abu Daud.*

فلما رأى رسول الله صلعم ما تلقى قال
انه ليس عليك بأس انما هو ابوك
وغلامك * (ابو داود)

133. **Omme Salamah** reported that the Messenger of Allah was near her when within the house there was a male in female dress He said to Abdullah-b-Omayyah, brother of Omme Salamah: O Abdullah, if to-morrow Allah gives you victory over Tayef, I shall point out to you the daughter of Gailan, because she comes with four and goes back with eight (lines). 1878 The Ms. of Allah said: They should never come to you. —*Agreed.*

عن ام سلمة ان النبي صلعم كان
عندها وفي البيت مخنث وقال لعبد
الله بن ابي امية اخي ام سلمة يا
عبد الله ان فتح الله لكم غدا الطائف
فاني ادلك على ابنة غيلان فانها تقبل
باربع وتدبر بثمان فقال النبي صلعم لا
يدخلن هؤلاء عليكم * (متفق عليه)

134. **Ayesha** reported: Never have I looked to (or seen) the private part of the Messenger of Allah. —*Ibn Majah.*

عن عائشة قالت ما نظرت او ما
رأيت فرج رسول الله صلعم قط *
(ابن ماجة)

135. **Miswar-b-Makhramah** reported: I carried a heavy stone. While I was walking, my cloth fell down from me and I could

عن المسور بن مخرمة قال حملت
حجرا ثقيلا فبينا انا امشي سقط عني

1877. Imam Shafeyi holds that a servant or a slave may appear before a woman, but Imam Abu Hanifa holds that they are just like strangers. He explains that the slave in this tradition was minor. This is not corroborated by Ayesha's attempts to cover herself. This tradition show how the Prophet's family lived in this world without even the bare necessities life.

1878. MUKHANNAS is a person whose dress, habit, talks and mannerrs are like a woman. The daughter of Gailan was Baidah who was so fat as she got four lines in belly and eight lines on back. The name of Mukhannas was Hayyat or Mate.

not take it up. Th Messenger of Allah saw me and said to me: Take your cloth over you and don't walk naked. —*Muslim.*

ثوبي فلم استطع اخذه فرآني رسول الله صلعم فقال لي خذ عليك ثوبك ولا تمشوا عراة * (مسلم)

387w. **Muhammad-b-Jahsh** reported that the Messenger of Allah passed by Ma'mar while his thighs were exposed. He said: O Ma'mar, cover your thighs, and verily the two thighs are private parts.—*Sharhi Sunnat.*

عن محمد بن جحش قال مر رسول الله صلعم على معمر و فخذاه مكشوفتان قال يا معمر غط فخذيك فان الفخذين عورة * (شرح السنة)

388. **Abu Omamah** reported from the Prophet who said: There is no Muslim who casts a first glance at the charms of a woman and then shuts up his eye sight but Allah creates anew for him one divine service in which he finds relish.

—*Ahmad.*

عن ابي امامة عن النبي صلعم قال ما من مسلم ينظر الى محاسن امرأة اول مرة ثم يغض بصره الا احدث الله له عبادة يجد حلاوتها * (احمد)

389w. **Hasan** reported a defective tradition: It reached me that the Messenger of Allah said: Allah curses one who looks (with lust) and who is looked upon. —*Baihaqi.*

عن الحسن مرسلا قال بلغني ان رسول الله صلعم قال لعن الله الناظر والمنظور اليه * (البيهقي)

SECTION 20

1379. Divorce

(a) **Divorce among the ancient nations.** All nations except Hinduism had addopted the institution of divorce in marital relations, because it is a corrollary to contractual form of marriage. The Hebraic law, the Athenians, the Romans, the Hebrews, the Shammites and others upheld this doctrine in various forms. But in all these forms, the husband was the predominant

authority with no efficient check on his power. The Christians and Jews also recognise this institution. Islam reformed all these forms of divorce and gave it a most complete and satisfactory form. It gave women certain rights of divorce which were not given by any legislators. At the same time it put a check on divorce by saying: Of all the things allowed, the most abominable to Allah is divorce—27:145,148.

(b) **Divorce is a necessity in abnormal circumstances**. The institution of divorce in Islam is a means of dissolving the contract of marriage in abnormal circumstances. This dissolution is only possible in a contractual form of marriage, but not in its sacramental form as in Hinduism. According to the latter, marriage is the sacred union of two souls for life, whether there is agreement or disagreement between the couple or whether the husband oppresses the wife or not. Divorce becomes a necessity when the husband and the wife are not pulling on well for a length of time. It is a seer foolishness to keep them tied up in matrimonial bond when it is unpleasant to both. It rather enhances the sufferings of the couple and their children rather than increase their happiness. Therefore it is a natural law that the dissatisfied couple should be separated from the marriage tie for the welfare of the household, children and society. In instituting this doctrine of divorce, Islam did more good to women as men may take several wives in case of disagreement with the first wife but a woman can not. If a husband is impotent, or if a wife or husband generally resorts to adultery, it is a nuisance to keep them tied up in marriage bond specially when all efforts to bring about a compromise prove unavailing. If the husband or wife becomes permanently diseased or unfit for sexual intercourse, justice demands a divorce.

(c) **Condemnation of free use of divorce.** Divorce is not a passing whim but the result of a settled determination. Though the institution of divorce has been kept as a sort of reservation in abnormal circumstances, yet the scriptures condemned its free use in the most emphatic terms. The Prophet said: With Allah, the most detestable of all lawful things is divorce (27:137). The Quran says: If you hate them (wives), it may be that you dis-

like a thing while Allah has placed abundant good in it—4:19Q. Before actually taking recourse to the fatal step, the parties must be asked to try for coming to a settlement: And if you fear a breach between the two, then appoint a judge from his people and a judge from her people. If they both desire agreement, Allah will effect harmony between them—4:35Q. There is also another restriction. It can not be effected during the period of menstruation, because in the meanstrual period, there is no chance of conjugal relationship. It can be done only at the time of *Tohr* or the period of purity after menstruation.

(d) **Principle of divorce in Islam.** The Quran says: O Prophet! when you divorce women, divorce them for their prescribed time, and calculate the number of the days prescribed, and be careful of your duty to Allah, your Lord. Don't drive them out of their houses, nor should they themselves go forth. So when they have reached their prescribed time, then either retain them with kindness or separate them with kindness—65:12Q. It appears from this verse that if a divorce takes place, it becomes irrevocable only after the prescribed time and that no divorce is valid if not made revocable within the prescribed time. In other words, a wife can be taken back for sexual embrace within the prescribed time but not beyond it. That is indicated by the words "So when they have reached their prescribed time, then either retain them with kindness or separate them with kindness". It is also clear that before expiration of the fixed time, no divorce is irrevocable. *Now what is the time prescribed for making a divorbe irrevocable?* It is three courses in case of menstruating and consummated women, or three months in cases of women whose menstruation has stopped or the time up to delivery in case of pregnant woman. The Quran says; And the divorced women should keep themselves in waiting for three courses—2:228Q. And as for those of your women who have despaired of menstruation if you have doubt, their prescribed time is three months, and of those who have not had their courses; and as for the pregnant women, their prescribed time is that they lay down their burdens—65:4Q.

What does the prescribed time of waiting mean? It is merely a period of temporary separation during which conjugal relationship may be re-established. Thus the period of waiting is only a chance given to the couple for reunion and to make divorce revocable before the prescribed time is reached. This is corroborated by other verses as follows: And their husbands have a better right to take them back during that (period) if they wish for reconciliation—2:228Q. Here it has been distinctly stated that the divorce is revocable within the prescribed time. It has been corroborated by another verse: Divorce is for two times, then keep (them) with goodness or let (them) go with kindness—2:229Q. It means that the husbands must make their decision final after the completion of two divorces and before the completion of the third divorce, within which he should take back his wife. That is only possible in case there is time of two courses or two months to consider. In case of Talak-i-Bidat (divorce by immediate utterance of the divorce formula three times) there is no time for consideration and hence it is against the sipirt of the Quran and Hadis. It is nothing but taking the verses of Allah as a mockery. The Prophet condemned it (27:154). The Quran rather warned the people to adopt this method saying: And do not take the verses of Allah as a mockery (2:231Q). From what has been stated above, the following conclusion is drawn. Every possible attempt must first be made for reconciliation between the married couple before the completion of the prescribed period. The judges from the parties should arrive at a compromise for domestic peace. If the husband dislikes a wife, he was commanded by Allah not to dislike her. If still after that, there is disagreement, then he may divorce once in one Tohr (period after menstruation) and make her separate in bed. If still there is no compromise, then there is one divorce for the second time in the second Tohr. If still there is no compromise and no conjugal relationship, it must be undersood that there will be no reunion and the relationship of husband and wife is at the final melting pot. Hence after the third reading of Talak or the passing of course at the third month (and in case of pregnant woman

till delivery), the Talak becomes irrevocable. This is the spirit of Islamic law of divorce. It appears from this that it is a reservation for an emergency case. Another factor of this divorce in Islam is that she got as much right for divorce as the husband has. There are instances in traditions about the rights of women for divorce. The Quran says in the verses of divorce: And they (wives) have got rights similar to those against them in a just manner—2:228(Q).

(d) **The Present Sunni forms of Divorce.** There are three principal forms of divorce as recognised by Sunni law irrespective of the teachings of the Quran and Hadis. They are (1) Talak-i-Ahsan, (2) Talak-i-Hasan, (3) and Talak-i-Bid'at.

(1) It is effected by a single declaration of talak followed by abstinence from sexual intercourse for the prescribed time.

(2) It is effected by a declaration of talak repeated three times, once during each successive Tohr.

(3) It is effected by repeating talak words for three times in immediate succession or within one tohr. It is not supported by the Quran and Hadis. The earlier it is abolished from the society by legislation, the better; because it has got another concomittant factor called I'la which will be described later on.

The first two forms of divorce are revocable and take effect on the completion of the period of Iddat, while the latter is irrevocable and takes effect immediately.

(e) **Some other forms of divorce.** (1) Divorce by writing. It becomes irrevocable in absence of words showing a different intention and takes effect immediately on execution of the document whether the formula is uttered or not. This is according to Hanifi law.

(2) **Talak by La'an or imprecation.** It also takes effect immediately after La'an is taken (see note 1388 for details).

(3) **Divore by Mubarat.** In this case, a divorce is effected by mutual consent of husband and wife. This Talak becomes irrevocable immediately after the consent takes place.

(4) **Divorce by Khula.** It is a right of divorce given by the husband to the wife on the occurrence of a contingency. If the contingency arises, the wife may choose to dissolve the marriage. For example, it has been stipulated that if a husband takes a second

wife, the first wife will have the right of divorcing herself from the husband. It becomes irrevocable immediately it is done or a decree of a court is obtained.

(5) **Dissolution of marriage.** The marriage can also be dissolved by Qazi on the ground of husband's impotency, husband's long absence from conjugal relationship, want of maintenance and other reasonable causes for judicial separation. Apostacy from Islam operates also as a dissolution of marriage.

(f) **Incidents following divorce.** Within the period of, waiting the husband is bound to maintain the wife and her children begotten by him. The Quran says : And their maintenance and their clothing must be born by the father according to usage—2:233Q. (2) The wife is bound to suckle the children up to the completion of 2 years (2:233Q). (3) The wife can not marry another person until after completion of iddat—2:235Q. (4) The wife is bound to observe iddat if the marriage is consummated. (5) The wife becomes entitled to deferred dower, and prompt dower if not paid. If the marriage was not consummated, she is entitled to only half dower (33:49Q).

(5) In case of death within the period, both inherit to one another if the divorce does not become irrevocable.

(6) The parties cannot remarry in case of irrevocable divorce by the second husband and the completion of a fresh period of Iddat.

(g) **Procedure of divorce.** Divorce must be effected in presence of two witnesses. The Quran says : And call two upright witnesses from among you, and give upright testimony for Allah—65:2Q. It may be done orally or by writing attended with actual utterance of divorce. A divorce by compulsion is no divorce (27:145), but Imam Abu Hanifa held a contrary view on the basis of tradition 27:146. The other Imams support the tradition 27:145.

(H) **Ila, Zihar and Tahlil.** These were practies of the Pre-Islamic days. Ila means swearing. In this case, the husband used to take oath that he won't go to his wife for sexual connection. This was resorted to as many times as a husband liked thereby keeping the wife in suspense sometimes during the whole of her life. The Quran prohibited it and says that in this case, if the

husband does not assert his conjugal relationship within four months, the wife would be divorced. The Quran says: **In the case of those who swear that they will not go unto their wives, the waiting period is four months. Then if they go back, Allah is Forgiving, Merciful. And if they resolve on a divorce, then Allah is surely Hearing, Knowing**—2:226Q. See note 1388 for further light.

Zihar occurs when a man says to his wife: Thou art to me as the back of my mother. In this way, the wife was kept separate for an unlimited period. The Quran abolished it saying: **As for those who put away their wives by likening them to the backs of their mothers, they are not their mothers**—58:1Q He was ordered to set free a slave, or to fast two consecutive months or to feed sixty people if unable to fast—58:3Q.

Tahlil means legalising. It was a pre-Islamic custom which still prevails in some Muslim societies. It is illegal and does not find support in the Quran and Hadis. It is effected in this way. When the wife is divorced irrevocably and the husband wants her back, he enters into a contract with a third person for marrying her and divorcing her immediately after a sexual intercourse. The Prophet cursed such contracting parties (22:151). See note 1386 for details.

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136. **Saoban** reported that the Messenger of Allah said: Whichever woman asks her husband for divorce without fault, the fragrance of Paradise is unlawful for her.

—*Ahmad, Tirmizi.*

عن ثوبان قال قال رسول الله صلعم
أيما امرأة سألت زوجها طلاقا في غير
ما بأس فحرام عليها رائحة الجنة *
(أحمد والترمذي)

137. **Ibn Omar** reported that the Apostle of Allah said: The most detestable of lawful things near Allah is divorce.—*Abu Daud.*

عن ابن عمر أن النبي صلعم قال
أبغض الحلال إلى الله الطلاق - (أبو داود)

138. **Ibn Abbas** reported that for the husband of Barirah, there was a black slave called

عن ابن عباس قال كان لزوج بريرة

Mugis, as if I am looking towards him. He used to roam about weeping in quest of her in the lanes of Medina while his tears used to flow down his beard. Then the Messenger of Allah said to Abbas: O Abbas! do you not admire the love of Mugis for Barirah and the dislike of Barirah for Mugis? Then the Ms. of Allah said: Would that she would return to him! She said: O Ms. of Allah! Do you direct me? He said: Verily I intercede. She said: I have got no need of him. —*Bukhari.*

عبدا اسود فقال له مغيث كأني انظر اليه يطوف خلفها في سكك المدينة يبكي و دموعه تسيل على لحيته فقال النبي صلعم للعباس يا عباس الا تعجب من حب مغيث بريرة و من بغض بريرة مغيثا فقال النبي صلعم لو راجعته فقالت يا رسول الله تأمرني قال انما اشفع قالت لا حاجة لي فيه ۔ (البخاري)

139. **Ibn Abbas** reported that the wife of Sabet-b-Qais came to the Holy Prophet and said: O Ms. of Allah! (As for) Sabet-b-Qais, I don't blame him about (his) character and piety but I dislike infidelity over Islam. The Apostle of Allah asked: Can you not return his garden? Yes' said he. The Prophet said: Accept the garden and give her a single divorce. [1660] —*Bukhari.*

عن ابن عباس رض ان امرأة ثابت بن قيس اتت النبي صلعم فقالت يا رسول الله ثابت بن قيس ما اعتب عليه في خلق و لا دين و لكني اكره الكفر في الاسلام فقال رسول الله صلعم أتردين عليه حديقته قالت نعم قال رسول الله صلعم اقبل الحديقة و طلقها تطليقة * (البخاري)

140. **Abdullah-b-Omar** reported that he divorced his wife while she was under menstruation. Omar mentioned it to the Prophet. The Prophet became enraged at it and said; Take her back and keep her, till she becomes pure, and then menstruates and then becomes pure.

عن عبد الله بن عمر انه طلق امرأة له و هي حائض فذكر عمر لرسول الله صلعم فتغيظ فيه رسول الله صلعم ثم قال

1660. This garden was given as a dower. It was directed to be returned in case of divorce. It is said that this is an irrevocable divorce.

If it appears to him to divorce her afterwards, let him divorce her while she is pure before he touches her. This is the period of waiting which Allah enjoins for the divorce of women. *And in a narration.* Order him to take her back, and afterwards to divorce her in pure state or in pregnancy. —*Agreed.*

ليراجعها ثم يمسكها حتى تطهر ثم تحيض فتطهر فإن بدا له أن يطلقها فليطلقها طاهرا قبل أن يمسها فتلك العدة التي أمر الله أن تطلق لها النساء وفي رواية مره فليراجعها ثم ليطلقها طاهرا أو حاملا. (متفق عليه)

141. **Ayesha** reported that the Messenger of Allah gave us option and so we chose Allah and His Apostle. Then he did not count anything for us. 1981 —*Agreed.*

عن عائشة قالت خيرنا رسول الله صلعم فاخترنا الله ورسوله فلم يعد ذلك علينا شيئا * (متفق عليه)

142. **Amr-b-Shuaib** reported from his father from his grandfather that the Prophet said: There is no vow for the son of Adam in what he does not own, and no emancipation in what he does not own, and no divorce in what he does not own; *Tirmizi narrated it. Abu Daud added:* And no sale but in what he possesses.

عن عمرو بن شعيب عن أبيه عن جده قال قال رسول الله صلعم لا نذر لابن آدم فيما لا يملك ولا عتق فيما لا يملك ولا طلاق فيما لا يملك (الترمذي) وزاد أبو داود ولا بيع إلا فيما يملك.

143. **Rokanah-b-Abd Yezid** reported that he gave his wife Sohaimah an irrevocable divorce, and he conveyed it to the Messenger of Allah and said: By Allah, I have not intended but one

عن ركانة بن عبد يزيد أنه طلق امرأته سهيمة البتة فأخبر بذلك النبي وقال والله ما أردت إلا واحدة فقال

1981. The wives of the Prophet one day vexed him by seeking fineries of this world. He greatly disliked grandeurs in a Prophet's family and told them to choose either this world or Allah and His Prophet. There is reference to this in verse 33:28Q. They all replied that they chose Allah and His Prophet. They were then asked to give up fineries of this world. This shows that Muhammad (P.H.) was really a Prophet. In case a wife chooses herself, it becomes, according to Imams Shafeyi and Ahmad, Talak Rajiy (revocable divorce), and according to Imams Abu Hanifa and Malek, irrevocable divorce.

(divorce). Then the Messenger of Allah asked: Have you not intended but one (divorce)? Rokanah said: By Allah, I did not intend but one (divorce). The Messenger of Allah then returned her back to him. Afterwards he divorced her for the second time at the time of Omar, and the third time at the time of Osman.

—*Abu Daud, Tirmizi, Ibn Majah.*

رسول الله صلعم و الله ما اردت الا واحدة فقال ركانة و الله ما اردت الا واحدة فردها اليه رسول الله صلعم فطلقها الثانية في زمان عمر و الثالثة في زمان عثمان (ابوداود و الترمذي و ابن ماجة)

144. **Abu Hurairah** reported that the Apostle of Allah said: There are three things of which the serious is serious and the frivolous is serious—marriage, divorce and return.[1882] *Abu Daud, Tirmizi (Approved, Rare).*

عن ابي هريرة ان رسول الله صلعم قال ثلاث جدهن جد و هزلهن جد النكاح و الطلاق و الرجعة ـ الترمذي و ابوداود (حسن غريب)

145. **Ayesha** reported: I heard the Messenger of Allah say: There is no divorce, and no emancipation by force.[1883]

—*Abu Daud, Ibn Majah.*

عن عائشة قالت سمعت رسول الله صلعم يقول لا طلاق ولا عتاق في اغلاق ـ (ابوداود و ابن ماجة)

146. **Abu Hurairah** reported that the Prophet said: Every divorce is lawful except divorce of the lunatic and of one whose intellect is out of order.

—*Tirmizi (Rare).*

عن ابي هريرة قال قال رسول الله صلعم كل طلاق جائز الا طلاق المعتوه و المغلوب على عقله ـ الترمذي (غريب)

1882. It means that every utterance, whether accompanied by intention or not with regard to these three things will take effect. If A says to B out of joke "I give my daughter in marriage to you", and B accepts it, there is complete marriage of a minor girl in that case.

1883. Three Imams—Imam Malek, Shafeyi and Ahmad—follow this tradition; but according to Imam Abu Hanifa, there is divorce even in case of compulsion. He follows traditions 144 and 145. The former seems to be in keeping with the spirit of Islam.

147. **Ali** reported that the Prophet said: Pen has been lifted from three: From the sleeping man till he is awake, from a boy till he attains maturity and from a mad man till he recovers senses. [1384]

—*Ibn Majah, Tirmizi, Abu Daud.*

عَنْ عَلِيٍّ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم رُفِعَ الْقَلَمُ عَنْ ثَلٰثَةٍ عَنِ النَّائِمِ حَتّٰى يَسْتَيْقِظَ وَعَنِ الصَّبِيِّ حَتّٰى يَبْلُغَ وَعَنِ الْمَعْتُوهِ حَتّٰى يَعْقِلَ ۔

(اَلتِّرْمِذِيُّ وَاَبُودَاوُدَ وَابْنُ مَاجَةَ)

148. **Ayesha** reported that the Prophet said: The divorce of a slave girl is twice and her time of waiting is two menses.

—*Tirmizi, Abu Daud, Ibn Majah, Darimi.*

عَنْ عَائِشَةَ اَنَّ رَسُولَ اللّٰهِ صلعم قَالَ طَلَاقُ الْاَمَةِ تَطْلِيقَتَانِ وَعِدَّتُهَا حَيْضَتَانِ ۔

(اَلتِّرْمِذِيُّ وَاَبُودَاوُدَ وَابْنُ مَاجَةَ وَالدَّارِمِيُّ)

149. **Ayesha** reported that the wife of Refa'a Qurazi came to the Messenger of Allah and said: I was with Refa'a but he divorced me and completed my divorce. After him, I married Abdur Rahman-b-Zubair while there was nothing with him except a scrap of a cloth. He said: Do you wish to go back to Refa'a? 'Yes' said she. He said: No, till you taste his honey and he tastes your honey.

—*Agreed.*

عَنْ عَائِشَةَ قَالَتْ جَاءَتِ امْرَاَةُ رِفَاعَةَ الْقُرَظِيِّ اِلَى رَسُولِ اللّٰهِ صلعم فَقَالَتْ اِنِّي كُنْتُ عِنْدَ رِفَاعَةَ فَطَلَّقَنِي فَبَتَّ طَلَاقِي فَتَزَوَّجْتُ بَعْدَهُ عَبْدَ الرَّحْمٰنِ بْنَ الزُّبَيْرِ وَمَا مَعَهُ اِلَّا مِثْلُ هُدْبَةِ الثَّوْبِ فَقَالَ اَتُرِيدِينَ اَنْ تَرْجِعِي اِلٰى رِفَاعَةَ فَقَالَتْ نَعَمْ قَالَ لَا حَتّٰى تَذُوقِي عُسَيْلَتَهُ وَيَذُوقَ عُسَيْلَتَكِ * (مُتَّفَقٌ عَلَيْهِ)

150. **Ibn Abbas** reported: There is expiation in unlawful things: Verily there is for you an excellent ideal in the Apostle

عَنِ ابْنِ عَبَّاسٍ قَالَ فِي الْحَرَامِ يُكَفَّرُ لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللّٰهِ اُسْوَةٌ

1384. Three persons are not liable for any sin committed by them: A minor at the time of his minority, a sleeping man during his sleep and a mad man during his insanity.

of Allah. 1885 —*Agreed.*

حسنة * (متفق عليه)

151. **Abdullah-b-Mas'ud** reported that the Messenger of Allah cursed one who takes a divorced wife as lawful and one for whom she is taken as lawful. 1886 *Darimi ; Ibn Majah narrated from Ali ; Ibn Abbas and Oqbah-b-A'mer.*

عن عبد الله بن مسعود قال لعن رسول الله صلعم المحلل والمحلل له (الدارمي) ورواه ابن ماجة عن علي وابن عباس وعقبة بن عامر.

152. **Ibn Abbas** reported that a man came to the Prophet and said : Verily I have got a wife who does not retract the hand of a toucher. The Prophet said : Divorce her. He said : Verily I love her. He said : Keep her in that case.— *Abu Daud, Nisai.*

عن ابن عباس قال جاء رجل الى النبي صلعم فقال ان لي امرأة لا ترد يد لامس فقال النبي صلعم طلقها فقال اني احبها قال امسكها اذا * (ابوداود والنسائي)

153. **Urwah** from Ayesha reported that the Messenger of Allah told her about Barirah : Take her and set her free. Her husband was a slave. Then the Prophet gave her option. So she chose herself. Had he been a free man, he would not given her option. —*Agreed.*

عن عروة عن عائشة ان رسول الله صلعم قال لها في بريرة خذيها فاعتقيها وكان زوجها عبدا فخيرها رسول الله صلعم فاختارت نفسها ولو كان حرا لم يخيرها. (متفق عليه)

154. **Mahmud-b-Labeed** reported that the Messenger of Allah was informed about a man who gave three divorces at a time

عن محمود بن لبيد قال اخبر رسول الله صلعم عن رجل طلق امرأته

1885. If a man takes an oath making a lawful thing, such as cohabitation with wife or eating meat, unlawful, the oath can lawfully be broken with expiation.

1886. 'Muhallal' is the second husband who takes a divorced wife on condition that he would divorce her for the first husband after having one sexual intercourse. Muhallal Lahu is the first husband for which the divorced woman was made lawful by this method which is called I'la in our country. This practice is strictly opposed to Islamic law though it is found current in some Muslim countries. It is said that in presence of such a contract the divorced wife becomes unlawful to him.

to his wife. Then he got up enraged and said: Are you playing with the Book of the Almighty and Glorious Allah while I am (still) amongst you? So much so that a man got up and said: Shall I not kill him? [1887] —*Nisai.*

ثَلٰثَ تَطْلِيْقَاتٍ جَمِيْعًا فَقَامَ غَضْبَانَ ثُمَّ قَالَ أَيُلْعَبُ بِكِتَابِ اللّٰهِ عَزَّ وَجَلَّ وَأَنَا بَيْنَ أَظْهُرِكُمْ حَتّٰى قَامَ رَجُلٌ فَقَالَ يَا رَسُوْلَ اللّٰهِ أَلَا أَقْتُلُهُ * (اَلنَّسَائِيُّ)

390w. **Mu'az-b-Jabal** reported that the Messenger of Allah said to me: O Mu'az! God created nothing on the face of the earth more liking to him than emancipation (of slaves) and God created nothing on the face of the earth more disliking to him than divorce. —*Darqutni.*

عَنْ مُعَاذِ بْنِ جَبَلٍ قَالَ قَالَ لِيْ رَسُوْلُ اللّٰهِ صلعم يَا مُعَاذُ مَا خَلَقَ اللّٰهُ شَيْئًا عَلٰى وَجْهِ الْأَرْضِ أَحَبَّ إِلَيْهِ مِنَ الْعِتَاقِ وَلَا خَلَقَ اللّٰهُ شَيْئًا عَلٰى وَجْهِ الْأَرْضِ أَبْغَضَ إِلَيْهِ مِنَ الطَّلَاقِ ـ (اَلدَّارَقُطْنِيُّ)

391w. **Ali** reported from the Prophet who said: There is no divorce before marriage, and no emancipation but after possession, and no coition in fasting, and no orphanage after maturity, and no suckling after weaning, and no silence of one day up to night. —*Sharhi-Sunnat.*

عَنْ عَلِيٍّ عَنِ النَّبِيِّ صلعم قَالَ لَا طَلَاقَ قَبْلَ نِكَاحٍ وَلَا عِتَاقَ إِلَّا بَعْدَ مِلْكٍ وَلَا وِصَالَ فِيْ صِيَامٍ وَلَا يُتْمَ بَعْدَ احْتِلَامٍ وَلَا رِضَاعَ بَعْدَ فِطَامٍ وَلَا صَمْتَ يَوْمٍ إِلَى اللَّيْلِ ـ (شَرْحُ السُّنَّةِ)

392w. **Malek** reported that it had reached him: A man said to

عَنْ مَالِكٍ بَلَغَهُ أَنَّ رَجُلًا قَالَ لِعَبْدِ

1887. This shows that three divorces at a time are not allowed. Talak-i-Bidat has been discouraged by this.

1883. Mu'li is a woman in respect of whom I'la has been made. I'la is an oath of a husband to the effect that he will not go unto his wife for four months or more. According to the majority of the companions, the oath will not operate as divorce, but expiation must have to be made before sexual intercourse is resumed. Imams Malek, Shafeyi and Ahmad hold that in case of i'la, there is divorce after completion of the period of 4 months. Imam Abu Hanifa says that if the husband resumes intercourse within 4 months, there will be no divorce; but if not, it will be a divorce.

Abdullah-b-Abbas: Verily I have divorced my wife one hundred times. What do you consider about me? Ibn Abbas said: She has been given three divorces, and as regards 97 times, you have taken the verses of Allah therewith as a joke. —*Mutta.*

الله بن عباس اني طلقت امرأتي مائة تطليقة فما ذا ترى علي فقال ابن عباس طلقت منك بثلاث وسبع وتسعون اتخذت بها آيات الله هزوا - (الموطا)

393w. **Nafe** from master of Safiyyah bn-Abu Obaidah reported that she took divorce from her husband in exchange of everything belonging to her. Abdullah-b-Omar did not cancel it. —*Malek.*

عن نافع عن مولاة لصفية بنت ابي عبيد انها اختلعت من زوجها بكل شيء لها فلم ينكر ذلك عبد الله بن عمر - (مالك)

394w. **Solaiman-b-Yasar** reported: I saw ten and odd out of the companions of the Messenger of Allah. Everyone of them used to say that a 'Muli' shall wait. —*Sharhi-Sunnat.*

عن سليمان بن يسار قال ادركت بضعة عشر من اصحاب رسول الله صلعم كلهم يقولون بوقف المولي - (شرح السنة)

SECTION 21

1589. Divorce by Li'an

Li'an literally means mutual cursing. Technically it signifies a form of divorce by means of invoking curse. In such a case the husband accuses the wife of adultery but he has got no witness to prove it, and the wife denies it. Both the husband and the wife go, therefore, to a Qazi (judge) and take to mutual cursing. There shall be accusations of adultery for four successive times and the wife must deny the accusation each time it is uttered. At the fifth time, the husband invokes curse upon himself if he is false, and the wife upon herself if she is false in the denial of adultery. After the parties have thus proceeded, they are separated forever by the decree of the Qazi. The Quran says: As for those who accuse their wives and have no

witnesses except themselves, evidence of one of these should be taken four times, bearing Allah to witness that he is of the truthful ones; and the fifth time that the curse of Allah be on him if he is one of the liars. It shall avert the punishment from her if she testifies four times, calling Allah to witness, that he is one of the liars, and at the fifth time that the wrath of Allah be on her if he is one of the truthful—24:6-9Q. This is not applicable in four cases as enumerated in tradition 159.

عن سهل بن سعد الساعدي قال
ان عويمرا العجلاني قال يا رسول الله
أرأيت رجلا وجد مع امرأته رجلا أيقتله
فيقتلونه أم كيف يفعل فقال رسول
الله صلعم قد أنزل فيك وفي صاحبتك
فاذهب فأت بها قال سهل فتلاعنا في
المسجد وأنا مع الناس عند رسول الله
صلعم فلما فرغ قال عويمر كذبت عليها
يا رسول الله إن أمسكتها فطلقها ثلاثا
ثم قال رسول الله صلعم انظروا فإن
جاءت به أسحم أدعج العينين عظيم
الأليتين خدلج الساقين فلا أحسب عويمرا إلا

155. **Sahl-b-Sa'ad** reported that Owaimer-al-Ajlani asked: O Ms. of Allah, inform me about a man who found a man (committing adultery) with his wife, whether he should kill him and so they (heirs of the killed) should kill him, or how he should act. The Messenger of Allah said: Certainly revelation has come about you and your wife. Go and bring her. Sahl said: Then we both took to mutual cursing within the mosque while I was with the people near the Ms. of Allah. When he was free, Owaimer said: If I retain her, I would be lying against her, O Ms. of Allah. Then he gave her three divorces. The Prophet said: Look; if she gives birth to a child, black of eye-balls, and fat of buttocks and fleshy of hind parts, I will not think of Owaimer but that he has spoken the truth about her. And if she

gives birth to a child of reddish colour as if it is a white lizard spotted with redness, I will not think of Owaimer but that he has uttered falsehood about her. Afterwards she gave birth to a child of the descriptions which the Prophet of Allah stated in support of the veracity of Owaimer. It was afterwards ascribed to its mother. —*Agreed.*

قد صدق عليها وإن جاءت أحيمر كأنه وحرة فلا أحسب عويمرا إلا قد كذب عليها فجاءت به على النعت الذي نعت رسول الله صلعم من تصديق عويمر فكان بعد ينسب إلى أمه * (متفق عليه)

156. **Ibn Omar** reported that the Prophet allowed imprecation between a man and his wife. Thus he separated her from her child and made separation between them both. He handed over the child to the woman. And in a tradition narrated by them: The Prophet admonished him, reminded him and informed him that the chastisement of this world is easier than the chastisement of the hereafter. Then he called her, gave her admonition, reminded her and informed her that the chastisement of this world is easier than the chastisement of the hereafter. [1890] —*Agreed.*

عن ابن عمر أن النبي صلعم لاعن بين رجل وامرأته فانتفى من ولدها ففرق بينهما وألحق الولد بالمرأة وفي حديثه لهما أن رسول الله صلعم وعظه وذكره وأخبره أن عذاب الدنيا أهون من عذاب الآخرة ثم دعاها فوعظها وذكرها وأخبرها أن عذاب الدنيا أهون من عذاب الآخرة * (متفق عليه)

157. **Same** reported that the Prophet said to those two who

عنه أن النبي صلعم قال للمتلاعنين

1890 As a result of imprecation, marriage tie has been dissolved, and the mother got the child. The ordained punishment in the Quran for a false imprecation or for adultery is better than the punishment in the next world.

took imprecation : Your requital is upon Allah, one of you is a liar. There is no way out of it. He said : O Ms. of Allah, what is for me? He said : You will get no dower, if you have spoken the truth about her. That is that with which you have made her private parts lawful. And if you have spoken falsehood about it, that is for you far and more far away from her. 1091—*Agreed.*

158. **Ibn Abbas** reported that Hilal-b-Ommyyah imputed adultery to his wife with Sharik-b-Sahma'a in presence of the Apostle of Allah. The Prophet said : Proof or ordained sentence on your back, (for slander). He said : O Apostle of Allah! when one of us sees a man over his wife—will he go to seek proof? The Prophet began to say : Proof or else the prescribed punishment on your back. Hilal said : By One who sent you with truth, I am certainly a truthful man. Let Allah reveal what will prove me not guilty for the ordained sentence. Gabriel then came down and gave him the revelation : As for those who impute unchastity to their wives—(he read till he reached) if you are of the

حسابكما على الله احدكما كاذب
لا سبيل لك عليها قال يا رسول الله مالي
قال لا مال لك ان كنت صدقت عليها
فهو بما استحللت من فرجها و ان كنت
كذبت عليها فذاك ابعد و ابعد لك
منها * (متفق عليه)

عن ابن عباس ان هلال بن امية
قذف امراته عند النبي صلعم بشريك بن
سحماء فقال النبي صلعم البينة او حدا في ظهرك
فقال يا رسول الله اذا راى احدنا على
امراته رجلا ينطلق يلتمس البينة فجعل
النبي صلعم يقول البينة و الا حدا في
ظهرك فقال هلال و الذي بعثك بالحق
اني لصادق فلينزلن الله ما يبرئ
ظهري من الحد فنزل جبرئيل و انزل
عليه و الذين يرمون ازواجهم فقرا حتى

1091. This means that it is not lawful to live with the woman at any time after the divorce by mutual curse.

truthful ones (24:16Q). Hilal came and deposed. The Holy Prophet was saying : Verily Allah knows that one of you is a liar. Is there one of you to repent? She got up and bore witness. When she came near five times, they prevented her and said that it would make (punishment) obligatory. *Ibn Abbas said* : Then she stopped and delayed till we thought that she would return. Afterwards she said : I shall not dishonour my people for all times. Then she went away. The Holy Prophet said : Look at her ; if she gives birth to a child, black of eye balls, perfect of bones and fat of buttocks, it is for Sharik-b-Sahma'a. She then gave birth (one) like that. The Messenger of Allah said : But for what occurred in the Book of Allah, it would have been a serious matter for her and for me. —*Bukhari.*

حتى بلغ إن كان من الصادقين فجاء هلال فشهد و النبي صلعم يقول إن الله يعلم أن أحدكما كاذب فهل منكما تائب ثم قامت فشهدت فلما كانت عند الخامسة وقفوها و قالوا إنها موجبة قال ابن عباس فتلكأت و نكصت حتى ظننا أنها ترجع ثم قالت لا أفضح قومي سائر اليوم فمضت و قال النبي صلعم أبصروها فإن جاءت به أكحل العينين سابغ الأليتين خدلج الساقين فهو لشريك ابن سحماء فجاءت به كذلك فقال النبي صلعم لولا ما مضى من كتاب الله لكان لي ولها شأن * (البخاري)

159. **Amr-b-Shuaib** from his father from his grand father reported that the Messenger of Allah said : Among women there are four for whom there is no mutual imprecation : a Christian lady under a Muslim, and a Jewess under a Muslim, and a free woman under a slave, and a female slave under a free man.[1891] —*Ibn Majah.*

عن عمرو بن شعيب عن أبيه عن جده أن النبي صلعم قال أربع من النساء لا ملاعنة بينهن النصرانية تحت المسلم واليهودية تحت المسلم والحرة تحت المملوك والمملوكة تحت الحر * (ابن ماجة)

1892. No divorce by mutual imprecation between husband and wife in those four cases can take place. Their divorce my be effected in other ways.

160. **Ibn Abbas** reported that the Holy Prophet ordered a man, at the time when he directed two imprecators to take imprecation, to put his hand at the time of the fifth curse upon his mouth. He said: It is a cause of making (punishment) obligatory. —*Nisai.*

عَنْ اِبْنِ عَبَّاسٍ اَنَّ النَّبِيَّ صلعم اَمَرَ رَجُلًا حِيْنَ اَمَرَ الْمُتَلَاعِنَيْنِ اَنْ يَتَلَاعَنَا اَنْ يَضَعَ يَدَهُ عِنْدَ الْخَامِسَةِ عَلَى فِيْهِ وَقَالَ اِنَّهَا مُوْجِبَةٌ * (النَّسَائِي)

161. **Abu Hurairah** reported that the Messenger of Allah said: Verily the Almighty Allah has got wrath, and the believers also have got wrath, and the wrath of Allah is that a believer should not commit what Allah has made unlawful. —*Agreed.*

عَنْ اَبِي هُرَيْرَةَ قَالَ قَالَ رَسُوْلُ اللّٰهِ صلعم اِنَّ اللّٰهَ تَعَالٰى يَغَارُ وَاِنَّ الْمُؤْمِنَ يَغَارُ وَغَيْرَةُ اللّٰهِ اَنْ لَا يَاْتِيَ الْمُؤْمِنُ مَا حَرَّمَ اللّٰهُ * (مُتَّفَقٌ عَلَيْهِ)

395w. **Sayeed-b-Musayyeb** reported that Fatimah was given for her bad tongue to her husband's relatives. —*Sharhi Sunnat.*

عَنْ سَعِيْدِ بْنِ الْمُسَيَّبِ قَالَ اِنَّمَا نُقِلَتْ فَاطِمَةُ لِطُوْلِ لِسَانِهَا عَلَى اَحْمَائِهَا * (شَرْحُ السُّنَّةِ)

SECTION 22

1393. Period of waiting

It has been noted in the article of divorce. Briefly speaking, in case of consummation of marriage, the period of waiting after divorce is three courses. In absence of this incident of menses as in the case of young girls and old women, the iddat is three months after divorce. In case of a pregnant woman, the iddat is up to the time of delivery. If there is no consummation of marriage, there is no iddat. There is a little difference in case of slaves and slave girls. In place of three courses, they have got to wait for two courses, and in absence of menses for one month.

163. **Abu Salamah** reported from Fatimah-bn-Qais that Abu Amr-b-Hafs gave her irrevocable divorce while he was absent. His agent sent her a measure of barley. This made her enraged. He said: By Allah, you have got nothing against us. She came to the Prophet and mentioned it to him. He said: There is no maintenance for you.[1894] Then he directed her to observe the period of waiting in the house of Omme Sharik. Afterwards he said: She is a woman whom my companions often visit. Complete your period near the son of Umme Maktum as he is a blind man and you will be able to put off your clothes. When you will reach your time, inform me. She said: When I reached my time, I told him that Muwayiah-b-Abu Sufyan and Abu Jaham sought me in marriage. The Holy Prophet said: As for Abu Jaham, he does not put down his staff from his shoulder; and as for Muwayiah, he is a very poor man having no property. Take Osamah-b-Zaid in marriage.

عَنْ اَبِيْ سَلَمَةَ عَنْ فَاطِمَةَ بِنْتِ قَيْسٍ
اَنَّ اَبَا عَمْرِو بْنِ حَفْصٍ طَلَّقَهَا اَلْبَتَّةَ وَ
هُوَ غَائِبٌ فَاَرْسَلَ اِلَيْهَا وَكِيْلُهُ الشَّعِيْرَ
فَسَخِطَتْهُ فَقَالَ وَاللّٰهِ مَالَكِ عَلَيْنَا مِنْ شَيْءٍ
فَجَاءَتْ رَسُوْلَ اللّٰهِ صلعم فَذَكَرَتْ ذَالِكَ لَهُ
فَقَالَ لَيْسَ لَكِ نَفَقَةٌ فَاَمَرَهَا اَنْ تَعْتَدَّ
فِيْ بَيْتِ اُمِّ شَرِيْكٍ ثُمَّ قَالَ تِلْكَ امْرَأَةٌ
يَغْشَاهَا اَصْحَابِيْ اِعْتَدِّيْ عِنْدَ ابْنِ اُمِّ
مَكْتُوْمٍ فَاِنَّهُ رَجُلٌ اَعْمٰى تَضَعِيْنَ ثِيَابَكِ
فَاِذَا حَلَلْتِ فَآذِنِيْنِيْ قَالَتْ فَلَمَّا حَلَلْتُ
ذَكَرْتُ لَهُ اَنَّ مُعَاوِيَةَ بْنَ اَبِيْ سُفْيَانَ
وَاَبَا جَهْمٍ خَطَبَانِيْ فَقَالَ اَمَّا اَبُوْ الْجَهْمِ
فَلَا يَضَعُ عَصَاهُ عَنْ عَاتِقِهِ وَاَمَّا مُعَاوِيَةُ
فَصُعْلُوْكٌ لَا مَالَ لَهُ اِنْكِحِيْ اُسَامَةَ

1894. According to this tradition, there are no maintenance and accommodation for a woman divorced irrevocably. Hazrat Omar and Imam Abu Hanifa held that she is entitled on the basis of this verse "Accommodate them where you live. (Q) Imam Ahmad follows this tradition allowing her only accommodation. He is supported by two other Imams. They also base their decision on the above verse which allows only accommodation and not maintenance.

I disliked it. Then he said : Marry Osamah. Accordingly I married him. Allah placed good therein and so I was a subject of envy. *In a narration of her, he said* : As for Abu Jaham, he is a man who used often to assault the wives. *Muslim narrated it. In a narration* : Her husband gave her three divorces, and so she came to the Prophet. He said : There is no maintenance for you unless you are pregnant.

بن زيد فكرهته ثم قال انكحي اسامة فنكحته فجعل الله فيه خيرا واغتبطت و في رواية عنها قال فاما ابو جهم فرجل ضراب للنساء رواه مسلم وفي رواية ان زوجها طلقها ثلاثا فاتت النبي صلعم فقال لا نفقة لك الا ان تكوني حاملا *

163. **Ayesha** reported that Fatimah was in a lonely place and dreaded to live by its side. For this, the Prophet gave her permission, that is for her shifting (to another place). *In a narration* : She asked : What is for Fatimah ? Does she not fear Allah, that is for her words "There's no accommodation and no expense for her ?" [1895]

—*Bukhari*.

عن عائشة قالت ان فاطمة كانت في مكان وحش فخيف على ناحيتها فلذلك رخص لها النبي صلعم تعني في النقلة وفي رواية قالت مالفاطمة الا تتقي الله تعني في قولها لا سكنى ولا نفقة *

(البخاري)

164. **Zainab-bn-Ka'ab** reported that Foraiah-bn-Malek, sister of Abu Sayeed al Khodri, had informed her : She came to the Messenger of Allah to ask him whether she would return to her family among the children of Khodrah because her husband went out in search of some slaves of his

عن زينب بنت كعب ان الفريعة بنت مالك وهي اخت ابي سعيد بن الخدري اخبرتها انها جاءت الى رسول الله صلعم تسأله ان ترجع الى اهلها في بني خدرة فان زوجها

1895. This hadis shows that there are expense and accommodation for a female divorced irrevocably.

who fled and who killed him. She narrated: I asked the Messenger of Allah that I might return to my family, because my husband did not leave for me a house he owns, nor maintenance. 'Yes' replied the Prophet. Then I departed till I was in a chamber or in a mosque. He called me and said: Stay in your house, till the ordinance reaches its fixed time. She said: Then I observed the waiting therein for 4 months and 10 days. —*Malek, Tirmizi, Abu Daud, Nisai, Ibn Majah.*

خرج في طلب أعبد له أبقوا فقتلوه قالت فسألت رسول الله صلعم أن أرجع الى أهلي فان زوجي لم يتركني في منزل يملكه ولا نفقة قال رسول الله صلعم نعم فانصرفت حتى اذا كنت في الحجرة أو في المسجد دعاني فقال امكثي في بيتك حتى يبلغ الكتب أجله قالت فاعتددت فيه أربعة أشهر و عشرا * (مالك و الترمذي و ابوداود و النسائي وابن ماجة)

396w. **Sayeed-b-al Musayyeb** reported that Omar-b-al-Khattab said: Whoso woman had been divorced and then she had one or two menstrual discharges, and then her menses stopped, she should wait for nine months. If pregnancy is disclosed therein, that is (to complete); and if not, she would wait for three months after nine months and then she is lawful (for others). —*Malek.*

عن سعيد بن المسيب قال قال عمر ابن الخطاب أيما امرأة طلقت فحاضت حيضة أو حيضتين ثم رفعتها حيضتها فانها تنتظر تسعة أشهر فان بان بها حمل فذلك والا اعتدت بعد التسعة الأشهر ثلثة أشهر ثم حلت * (مالك)

397w. **Solaiman-b-Yasar** reported that Al-Ahwas died in Syria, while her wife entered her blood for the third menses after he divorced her. Muwayiah-b-Abi

عن سليمان بن يسار ان الاحوص هلك بالشام حين دخلت امرأته في الدم من الحيضة الثالثة وقد كان طلقها

Sufyan wrote to Zaid-b-Sabet asking him about that. Zaid wrote to him : When she entered her blood for her third menses, she is free from him and he from her. He will neither inherit her, nor shall she inherit him.[1396] —*Malek.*

فَكَتَبَ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ إِلَى زَيْدِ بْنِ ثَابِتٍ يَسْأَلُهُ عَنْ ذَالِكَ فَكَتَبَ إِلَيْهِ زَيْدٌ إِنَّهَا إِذَا دَخَلَتْ فِي الدَّمِ مِنَ الْحَيْضَةِ الثَّالِثَةِ فَقَدْ بَرِئَتْ مِنْهُ وَبَرِئَ مِنْهَا لَا يَرِثُهَا وَلَا تَرِثُهُ * (مَالِكٌ)

SECTION 23

1400. Widow marriage.

The nature of man requires another wife in case of the death of the former wife. This is true in the majority of cases. Hence all the great religions of the world allowed remarriage of men. Do we find this natural law in all the religions in the case of helpless women ? Their nature also wants a second husband in case of the death of the first one. Therefore as a matter of course, they should be remarried. It is unnatural to think that a widow of 15 to 20 years would pass her whole life by killing her natural sexual appetite. It is therefore with a sense of justice that the widow remarriage or the divorced woman's marriage has been recognised by Islam. The Quran says : And as for those who die and leave wives behind, they should keep themselves in waiting for four months and ten days, and when they have fully attained their term, there is no harm on you for what they do in a lawful manner, and Allah is aware of what you do (2:240Q). In case of the remarriage of divorced women, the Quran, says : And when you have divorced women, and they have waited their terms of waiting, do not prevent them from taking husbands when they agree among themselves in a lawful manner (2:232Q). The tradition 170 allows also this remarriage. Let us enumerate some of the benefits that we derive

1396. This shows that on the occurrence of the third course, the divorced wife is debarred from inheriting her husband's property.

from this remarriage. (1) Firstly, the natural sexual appetite of the widows and the divorced women is satisfied. (2) secondly, the society is saved from moral corruption. If physical preservation is the primary factor, moral preservation is no less important. If this is not observed, the inevitable result is secret and back-door attempts for satisfaction of sexual lust. Failing this, the widows enter a life of shame and open pollution. In this way, if there arise brothel houses in every village and town, the whole atmosphere becomes surcharged with corrupt airs bringing in chaos and disorder in societies. Thus prostitution was abolished by Islam and remarriage introduced. (3) In absence of widow marriage, there is decrease in the population to an alarming extent threatening ultimately to the total extinction of a society which has got a bar to widow remarriage. (4) The widows become generally helpless after losing their dear husbands. They can by themselves provide their own maintenance and comforts with the greatest difficulty. Hence they get guardians by remarriage for their due maintenance and comforts. The new husbands stand as pillars to the protection of their life and honour.[1]

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170. **Meswar-b-Makhramah** reported that Sobaiata al Aslamiyah was subject of blood after child birth for some nights after the death of her husband. She came to the Prophet and sought his permission to get married. He gave her permission and then she was remarried. —*Bukhari.*

عَنِ الْمِسْوَرِ بْنِ مَخْرَمَةَ اَنَّ سُبَيْعَةَ الاَسْلَمِيَّةَ نُفِسَتْ بَعْدَ وَفَاتِ زَوْجِهَا بِلَيَالٍ فَجَاءَتِ النَّبِيَّ صلعم فَاسْتَاْذَنَتْهُ اَنْ تَنْكِحَ فَاَذِنَ لَهَا فَنَكَحَتْ * (اَلْبُخَارِيُّ)

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1. See note 1511 for details of a widow's life.

CHAPTER XXVIII

SECTION 1

1101. Acknowledgement and legitimacy

The general principle of legitimacy is that a child is for the bed. In other words, any child born in marriage wed-lock is presumbed to be legitimate until the contrary is proved. The jurists framed rules that conception should begin within marriage and that a child born six months after marriage is presumed to be legitimate, and if less than six months illegitimate.

There is another principle of legitimacy i.e. acknowledgement. A child, legitimate or illegitimate, always inherits a mother, but legitimacy is a condition of inheriting the father. When legitimacy cannot be established, acknowledgement is recognised to confirm a legitimate descent. The father must acknowledge his son and the son must confirm it if major. He must not be known to be the son of another person or an illegitimate issue out of illegal intercourse. This principle applies also to daughters.

A great punishment has been, however, promised to a child who denies his real father and acknowledgos a false father and to a man who denies his real son or acknowledges an illegitimate or false son as his real son.

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1. Ayesha reported that Oqbah-b-Abi Waqqas left death-instruction to his brother Sa'ad-b-Abi Waqqas: Jam'ah the son of Walidah belongs to me. Take him to you. When the year of victory came to pass, Sa'ad took him and said: He is the son of my brother. Abd son of, Jam'ah, said: Heis my brother.

عن عائشة قالت كان عتبة بن ابي وقاص عهد الى اخيه سعد بن ابي وقاص ان ابن وليدة زمعة مني فاقبضه اليك فلما كان عام الفتح اخذه سعد فقال انه ابن اخي وقال عبد بن زمعة اخي

Both went to the Messenger of Allah. Sa'ad said : O Ms. of Allah ! verily my brother left death-instruction to me about him. Abd, son of Jam'a, said : (He is) my brother, and the son of Walidah is my father. He was born in his bed. Then the Messenger of Allah said : He is for you, O Abd, son of Jam'ah. The child is for the bed, and for the fornicator is stoning to death. Afterwards he said to Saudah, daughter of Jam'ah : Conceal him on account of what he sees of his likeness to Utbah. He did not see her till he met Allah. *In a narration*, he said : He is your brother, O Abd, son of Jama'a, because he was born upon the bed of his father. 1401 —*Agreed.*

فتساوقا الى رسول الله صلعم فقال سعد يا رسول الله ان اخي كان عهد الي فيه وقال عبد بن زمعة اخي وابن وليدة ابي ولد على فراشه فقال رسول الله صلعم هو لك يا عبد بن زمعة الولد للفراش وللعاهر الحجر ثم قال لسودة بنت زمعة احتجبي منه لما رأى من شبهه بعتبة فما رآها حتى لقي الله وفي رواية قال هو اخوك يا عبد بن زمعة من اجل انه ولد على فراش ابيه * (متفق عليه)

2. **Sa'ad-b-Abi Waqqas** and Abu Bakrah reported that the Messenger of Allah said : Whoso acknowledges a father other than his own while he knows, Paradise is unlawful for him. —*Agreed.*

عن سعد بن ابي وقاص و ابي بكرة قال قال رسول الله صلعم من ادعى الى غير ابيه وهو يعلم فالجنة عليه حرام * (متفق عليه)

3. **Abu Hurairah** reported that the Messenger of Allah said : Turn not away from your father. Whoso turns away

عن ابي هريرة قال قال رسول الله صلعم لا ترغبوا عن ابائكم فمن رغب عن

1401. Utbah smashed the teeth of the Holy Prophet at the battle of Uhud. Jam'a was father of Hazrat Saudah, wife of the Prophet. Utbah committed fornication with a slave girl of Jam'a and a child was born. He claimed the child and left death instruction to his brother Sa'ad. Sa'ad took the child in the year of Conquest of Mecca. Abd, son of Jam'a, claimed the child as belonging to her brother by the slave-girl of her father.

from his father, he is indeed an infidel. —*Agreed.*

ابيه فقد كفر * (متفق عليه)

4. **Abu Hurairah** reported that he heard the Prophet say when the verse of mutual imprecation was revealed: Whoso (female) introduces among a people one who does not come form them, she is not near Allah in anything, and Allah will never admit him in His Paradise, and whoso denies his son while he is looking towards him, Allah will screen away from him and will put him to disgrace in presence of principal created beings among the former and latter generations.

—*Abu Daud, Nisai, Darimi.*

عن ابي هريرة انه سمع النبي صلعم يقول لما نزلت اية الملاعنة ايما امرأة ادخلت على قوم من ليس منهم فليست من الله في شيء ولن يدخلها الله جنته و ايما رجل جحد ولده وهو ينظر اليه احتجب الله منه وفضحه على رؤس الخلائق في الاولين والاخرين *

(ابوداود والنسائي والدارمي)

5. **Abu Hurairah** reported that a Beduin Arab came to the Messenger of Allah and said: Verily my wife gave birth to a black child, and I denied it. The Messenger of Allah asked him: Have you got a camel? 'Yes' he said. He asked: What are its colours? He said: Red. He asked: Has it got ash colour? He said: Certainly there is ash-colour therein. He asked: Wherefrom is that (ash-coloured) camel which it brought. He said: A vein which he drew out. He said: Perchance this is a vein which he has drawn out. He did not

عن ابي هريرة ان اعرابيا اتى رسول الله صلعم فقال ان امرأتي ولدت غلاما اسود واني انكرته فقال له رسول الله صلعم هل لك من ابل قال نعم قال فما الوانها قال حمر قال هل فيها من اورق قال ان فيها لورقا قال فاني ترى ذلك جاءها قال عرق نزعها قال فلعل هذا عرق نزعه ولم يرخص له في الانتفاء

permit him to deny it (child). —*Agreed.*

منه * (متفق عليه)

6. **Ayesha** reported: The Messenger of Allah came to me one day while he was in a jocund mood and said: O Ayesha, don't you see that Mujazzej al Mudleziyyah has arrived? When he saw Osamah and Zaid with a sheet on them which covered their heads but left the feet exposed, he said: Verily as for these feet, some of them are from others. 1403 —*Agreed.*

عن عائشة قالت دخل علي رسول الله صلعم ذات يوم وهو مسرور فقال اي عائشة الم تري ان مجززا المدلجي دخل فلما رأى اسامة وزيدا وعليهما قطيفة قد غطيا رؤسهما وبدت اقدامهما فقال ان هذه الاقدام بعضها من بعض - (متفق عليه)

7. **Amr-b-Shuaib** from his father from his grand father reported that a man got up and said: O Ms. of Allah: Verily so and so is my son. I had illicit intercourse with his mother in the Days of Ignorace. Then the Messenger of Allah said: There is no acknowledgement in Islam. The affairs of the Days of Ignorance have gone. The child is for the bed, and for the fornicator there is stoning to death. 1404 —*Abu Daud.*

عن عمرو بن شعيب عن ابيه عن جده قال قام رجل فقال يارسول الله ان فلانا ابني عاهرت بامه في الجاهلية فقال رسول الله صلعم لا دعوة في الاسلام ذهب امر الجاهلية الولد للفراش وللعاهر الحجر * (ابوداود)

8. **Amr-b-Shuaib** reported from his father from his grand

عن عمرو بن شعيب عن ابيه عن

1403. The last sentence means that there is relationship of father and son between the two. Zaid was a freed slave of the Prophet. Osamah was his son. He was very black while his father Zaid was very beautiful. Zaid had a slave-girl who was called Ayman. A hypocrite ascribed that Osamah is son of Ayman by Zaid.

1404. The child is for the bed signifies either that the child in marriage wed-lock is legitimate or that the unclaimed child is for the mother.

father that the Messenger of Allah gave decision about every child that is ascribed to its father after his death and that is claimed for him, and his heirs claim it. He gave decision that he who is born of a slave-girl over which his father had ownership on the day he cohabited with her, is attached to one for whom he is ascribed ; and there is for him nothing from what has been partitioned before him from the heritage. And whatever heritage has devolved on you which has not been partitioned, there is for him its share. And he will have nothing if his father to whom his relationship is ascribed denies him. If he is born of a slave-girl whom he does not possess, or of a free woman with whom he had illicit intercourse, relationship cannot be ascribed, nor can he inherit though relationship is ascribed to him, even if he himself acknowledges him. He is the child of adultery whether by a free woman or by a slave-girl.

جده أن النبي صلعم قضى أن كل مستلحق استلحق بعد أبيه الذي يدعى له ادعاه ورثته فقضى أن من كان من أمة يملكها يوم أصابها فقد لحق بمن استلحقه وليس له مما قسم قبله من الميراث شيء وما أدرك من ميراث لم يقسم فله نصيبه ولا يلحق إذا كان أبوه الذي يدعى له أنكره فإن كان من أمة لم يملكها أو من حرة عاهر بها فإنه لا يلحق ولا يرث وإن كان الذي يدعى له هو الذي ادعاه فهو ولد زنية من حرة كان أو أمة *

(أبوداود)

SECTION 2

1405. **Majority**

According to the general principles of Islamic law, a boy attains maturity at the first appearance of *Ihtilam* (ejaculation of semen),

and a girl attains puberty at the appearance of the menstrual blood or Ihtilam. If these things do not appear in a boy or a girl, he or she shall be presumbed to have attained majority at the completion of the 15th year. It is generally supposed that *Ihtilam* can not occur below the age of 12 years in case of a boy and 9 years in case of a girl. It appears from the following verse that Islam gives a separate age in some circumstances for management of properties. The Quran says: And test the orphans until they attain puberty. Then if you find in them intellect, make over to them their property—4:6Q. And do not give away your property which Allah has made a support to the weak of understanding—4:5Q. Thus *Bulug* is sufficient for purposes other than for management of properties, while in the latter case, *Rushd* (or dawn of sufficient intellect) is necessary. This principle has been recognised by the British Indian law.

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9. **Ibn Omar** reported: I appeared to the Ms. of Allah in the year of Uhud while I was a boy of 14 years. He turned me back. Afterwards I appeared before the Prophet in the year of the Trench, while I was a boy of 15 years. Then he gave me permission. Omar-b-Abdul Aziz said: This (age) is the distinction between the warriors and the young. —*Agreed.*

عَنِ ابْنِ عُمَرَ قَالَ عَرَضْتُ عَلَى رَسُولِ اللهِ صلعم عَامَ أُحُدٍ وَأَنَا ابْنُ أَرْبَعَ عَشَرَةَ سَنَةً فَرَدَّنِي ثُمَّ عَرَضْتُ عَلَيْهِ عَامَ الْخَنْدَقِ وَأَنَا ابْنُ خَمْسَ عَشَرَةَ سَنَةً فَأَجَازَنِي فَقَالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ هٰذَا فَرْقٌ بَيْنَ الْمُقَاتِلَةِ وَالذُّرِّيَّةِ * (مُتَّفَقٌ عَلَيْهِ)

SECTION 3

1406. Guardianship of person and property of a minor.

(a) Guardian of the person of a minor. It appears from the verse 6:4 quoted in the article in the previous section that a guardian of a minor's property is necessary till he reaches the age of intellect. It goes without saying that a guardian of the person of a minor is also necessary. According to Islam, there is the following in order of preference for the guardianship of a minor boy up to seven years

of age and of a girl up to puberty :— (1) Mother, (2) mother's mother, how high soever, (3) father's mother, h. h. s., (4) full sister, (5) uterine sister, (6) consanguine sister, (7) full sister's daughter, (8) uterine sister's daughter, (9) consanguine sister's daughter, (10) maternal aunts, (11) paternal aunts, (12) father, (13) father's father h. h. s. (14) full brother, (15) consanguine brother, (16) full brother's son, (17) consanguine brother's son, (18) full paternal uncle, (19) consanguine paternal uncle, (20) full paternal uncle's son, (21) consanguine paternal uncle's son. All females lose the right of custody if they marry a male not related to the child within the prohibited degrees or otherwise wicked. The right of guardianship above the age of seven years in case of a boy and puberty in case of a girl falls in the order enumerated from number (12) above.

(b) **Guardianship of the property of a minor.** The following persons are legal guardians of a minor's property in order of preference :—(1) Father, (2) father's executor or nominee, (3) father's father, (4) father's father's executor or nominee. In default of the above, a guardian is appointed by the court from the persons enumerated from number (14) above.

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10. **Bara'a-b-A'jeb** reported that the Prophet entered into a treaty on the Day of Hudaibiyyah on three conditions—on condition that if anyone of the polytheists came to him, he would return him to them, and if anyone of the Muslims went to them, they would not return him ; on condition that he would enter it in the following year and stay there for three days. When he came to it (Mecca) and the fixed time elapsed, he came out. The daughters of Hamjah followed him proclaiming : O uncle, O

عن البراء بن عازب قال صالح النبي
صلعم يوم الحديبية على ثلثة اشياء
على ان من اتاه من المشركين رده
اليهم ومن اتاهم من المسلمين لم
يردوه وعلى ان يدخلها من قابل ويقيم
بها ثلثة ايام فلما دخلها ومضى الاجل
خرج فتبعته ابنة حمزة تنادي يا عم يا عم

uncle. Ali overtook her and caught her by her hand. Ali, Zaid and Ja'far began to quarrel about her. Ali said: I have taken her as she is the daughter of my uncle. Ja'far said: She is daughter of my uncle and her mother's sister is my wife. Zaid said: She is daughter of my brother. The Prophet handed her over to her mother's sister and said: Mother's sister is in the place of a mother. He then told Ali: You are of me and I am of you. He said to Ja'far: My appearance and character resemble with those of yours. And he said to Zaid: You are our brother and our master. —*Agreed.*

فتناولها علي فأخذ بيدها فاختصم فيها علي وزيد وجعفر فقال علي أنا أخذتها وهي بنت عمي وقال جعفر بنت عمي وخالتها تحتي وقال زيد بنت أخي فقضى بها النبي صلعم لخالتها وقال الخالة بمنزلة الأم وقال لعلي أنت مني وأنا منك وقال لجعفر أشبهت خلقي وخلقي وقال لزيد أنت أخونا ومولانا. (متفق عليه)

11. Amr-b-Shuaib reported from his father from his grandfather that a woman asked: O Ms. of Allah, my belly was a resting place of this son of mine, my breast a drinking place for him, and my lap a soothing place for him, but his father divorced me and wishes to snatch him away from me. The Messenger of Allah said: You have got better right to take him till you are not remarried.[1408] —*Ahmad, Abu Daud.*

عن عمرو ابن شعيب عن أبيه عن جده أن امرأة قالت يا رسول الله إن ابني هذا كان بطني له وعاء وثديي له سقاء وحجري له حواء وإن أباه طلقني وأراد أن ينتزعه مني فقال رسول الله صلعم أنت أحق به ما لم تنكحي* (أحمد وأبوداود)

1407. Hazrat Hamzah was uncle and foster brother of the Prophet. Hazrat Ja'far was brother of Ali and Zaid-b-Sabet was a freed slave of the Prophet. Everybody wanted to maintain the daughter of Hamzah. She was given to her mother's sister. It appears also from this that the Holy Prophet tried to please everyone by some descriptions or other. It is also seen that the slaves were treated by the Prophet not only as brothers but sometimes as masters.

1408. If a widow is married to a man outside the prohibited degrees, her guardianship

12. **Abu Hurairah** reported that the Ms. of Allah gave option to a boy (to choose) between his father and mother. 1403

—*Tirmizi.*

عن ابي هريرة ان رسول الله صلعم خير غلاما بين ابيه و امه - (الترمذي)

13. **Same** reported that a woman came to the Prophet and said: Verily my husband intends to go away with my son while he gave me water to drink and gave me benefit. The Prophet said: This is your father and this is your mother. Take the hand of any of them which you like. He took the hand of his mother and so she went away with him.

—*Abu Daud, Nisai, Darimi.*

عنه قال جاءت امرأة الى رسول الله صلعم فقالت ان زوجي يريد ان يذهب بابني و قد سقاني و نفعني فقال النبي صلعم هذا ابوك و هذه امك فخذ بيد ايهما شئت فاخذ بيد امه فانطلقت به * (ابوداود و النسائي و الدارمي)

14. **Hilal-b-Osamah** reported: While I was sitting with Abu Hurairah a Persian lady came to him, with a son while her husband divorced her and both claimed him. She then spoke in Persian to him saying: O Abu Hurairah, my husband intends to go away with my son. Abu Hurairah said: Caste lottery about him. He spoke with her about it. Her husband then came and

عن هلال بن اسامة قال بينما انا جالس مع ابي هريرة جاءته امرأة فارسية معها ابن لها وقد طلقها زوجها فادعياه فرطنت له تقول يا ابا هريرة زوجي يريد ان يذهب بابني فقال ابو هريرة استهما عليه رطن لها بذلك فجاء زوجها وقال من يحاقني في ابني

of her minor issue by her former husband ceases; and if the second husband is within the prohibited degree of the issue, the right of guardianship continues in the widow even after marriage.

1403. This is a boy who attained maturity. He was therefore asked to choose either of the two-father or mother. According to Imams Abu Hanifa and Shafeyi, the child has got no option, but according to others he has got option.

said: Who disputes with me about my son? Abu Hurairah said: O Allah, verily I don't say this, except that I was sitting with the Prophet. Then a woman came to him and said: O Ms. of Allah, verily my husband wishes to go away with my son, while he did me some service, and gave me drink from the well of Abu Enabah. (And according to Nisai: From sweet water). Then the Prophet said: Cast lots about him. Her husband said: Who is here to dispute with me about my son? Then the Ms. of Allah said: This is your father, and this is your mother. Take the hand of either of them whom you like. Afterwards he caught the hand of his mother. —*Abu Daud, Nisai, Darimi.*

فقال ابو هريرة اللهم اني لا اقول هذا
الا اني كنت قاعدا مع رسول الله صلعم
فاتته امرأة فقالت يا رسول الله ان
زوجي يريد ان يذهب بابني وقد
نفعني وسقاني من بئر ابي عنبة
وعند النسائي من عذب الماء فقال
رسول الله صلعم استهما عليه فقال زوجها
من يحاقني في ولدي فقال رسول الله
صلعم هذا ابوك وهذه امك فخذ بيد
ايهما شئت فاخذ بيد امه *
(ابوداود والنسائي والدارمي)

CHAPTER XXIX

SECTION 1

1410. This World and the Next World*

(a) What is the significance of this World? This world means in this article the life in this world, and the next world means the life in the next world. The life will exist even though the body is separated by death. It will reap the fruits of actions it did in this world, either punishment or reward as it did evil or good in this world's life. In the next world, there will be no place for sin and

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evil-doing; while in this world there are two things—either leading a life of virtue or sin. Therefore this world consists of a portion of the nature of the next world. He who leads a next-wordly life by living in this world is a true man. He who takes the side of this world is doomed to eternal perdition in the next world. It follows therefore that this world can be converted by every man unto the nature of the next world if he remembers the Almighty God always in this world. Such a man cannot be called a wordly man thugh he lives in this world. The great mystic Persian poet gave the best explanation of this world. He says "What is world? It is to remain forgetful of God. Wealth, wife and children are not world." In other words, if somebody living in the midst of his wives, properties and children does not forget God, but if what he does, he does to please God or in obedience to His order and the order of His Prophet, he cannot be called a wordly man; on the other hand, if religious acts, such as prayer, pilgrimage, fasting etc., are performed with complete forgetfulness of God and with intent to gain things of this world by capturing the imagination of the people, he may be properly called a truly wordly man. This is the true significance of *Dunya* (world). Such a wordly man does everything with complete forgetfulness of the next world, the ultimate object of men. What are the things of this world which can possibly divert our attention and efforts from the remembrance of Allah? The Quran gives us a short list: The love of desires of women and sons and hoarded treasures of gold and silver and well-bred horses, cattle and tilth, is adorned for men. These are the commodities of this world, and Allah is He with whom is the good goal of life—3:13Q. In another verse, it has been repeated: Know that this world's life is only sport and play and adornment and boasting among yourselves and a vying in the multiplication of wealth and children—57:20Q. It appears from the above verses that *Dunya* is nothing but to be completely engrossed in these things without remembering the Almighty.

*This subject has been brought here as we are proceeding from the wordly things towards things of another life in the next world. This section has been devoted to transitory nature of this wordly abode and the everlasting life of the hereafter. Then will follow the events before and after death.

(b) **What is this world in comparison with the next world ?** The Holy Prophet answered it: Had the world been to Allah equivalent to the value of the wing of a gnat, He would not have given a sip of drink therefrom to a polytheist—23:10. This world's life is very short, say 80 years. An active life is still less. The life of the next world is eternal and everlasting, say 100000000000000000000 years. Therefore the life of this world is nothing in comparison with the eternal life of the next world. If for bad actions of these 80 years, one is to suffer for millions and millions of years, it will be the most unfortunate thing. Take an example. A man was extremely thirsty in a hot climate and took ice to quench his thirst. Just at that moment, another man came there and wanted the ice in lieu of an equal weight of gold. He took the permanent thing gold in place of ice which is of a very short duration. He suffered of thirst, but still preferred what is durable. Thus the real wise man is he who suffers in this world for a short while to have the everlasting rewards of the hereafter. Prophets, innumerable in number, were sent to warn the people of the transitory nature of this world and eternity of the hereafter. But still the people were heedless of these warnings. The majority of them rejected the happiness of the millions and millions of years to the preference of the happiness of 80 years. They have taken earth in place of gold. They have preferred this very short life to the eternal life in the next. What then do we find in the Quran about the nature of these two worlds?

Say: The provision of this life is short, and the hereafter is better for him who fears God—4:77Q. The world, the whole of it, is a commodity—1:39. The parable of those who take guardians besides Allah is as the parable of the spider that makes for itself a house, and certainly the frailest of the houses is the spider's house. Had they but known!—29:41Q. Are you content with this world's life and not with the hereafter? But the provision of this world's life compared with the hereafter is but insignificant—9:38Q. And the life of this world is nothing but a sport and a play; and as for the next world, that is certainly a life; had they but known it!—29:64Q. The likeness of this world's life is only like water which We send down from the cloud, then the herbage of the earth of which men and cattle eat grows luxuriantly therby,

until when the earth puts on its fineries and it becomes adorned and its people think that they have power over it, Our command comes to it by night or by day, render it as reaped seed produce, as though it had not been in existence yesterday; thus do We make clear the communications for a people who reflect—10:24Q. Allah therefore calls you to the alode of peace—10:25Q. There is for you in the earth an abode for rest and a provision for a time—7:24Q.

(c) **Love of this world is the root of all sins.** The Holy Prophet declared: The love of the world is the root of all sins (28:409w). As this world is nothing in comparison with the next world, love of this world signifies ignorance and lack of wisdom, while those who sell this world for the next are really learned and wise. To love the world is to love the Hell-fire that destroys or to love a bad woman who can easily turn round and kill the lover. It's no use to practice virtue with a deep attachment for this world. It is just like driving away the sparrows from a tree to avoid noise. If the sparrows are once driven away, they will again come to the tree. Thus the noise will not stop. If the tree is however cut at its root, the sparrows will never come again. Similarly if the tree of love of this world is cut from the soil of mind, virtues may thrive peacefully. Love of this world and love for the next world are inconsistent things. Two cannot live together in one mind just as darkness and light or water and fire cannot live together. It follows therefore that one who wishes to have the next world must renounce love and attachment of this world, and one who wishes to have this world, must renounce the hereafter. Which is then preferable to be given up? Surely it is the short-lived life of this world always full of troubles and agonies. Hear what the Quran says: Whoever desire this worlds life and its fineries, We will pay them in full their deeds therein, and they shall not be made to suffer loss in respect of them. These are they for whom there is nothing but fire in the hereafter, and what they wrought in it shall go for nothing, and vain is what they do—11:15Q. Whoever desires the gain of the hereafter, We will give him more of that gain; and whoever desires the gain of this world, We give him of it, and in the hereafter he has no portion—42:20Q. The Holy Prophet said: Whoso loves his world injures his

hereafter ; and whoso loves his hereafter, injures his world. So prefer what will last for ever to what will perish—29:398w. The natural tendency of common men is to love this world i.e. what he gets in cash. The Quran asserts this fact : Nay, but you love the present life and neglect the hereafter—75:20Q. But there are men who sell the comforts of this short span of life for those of the eternal life. The Quran says : Surely Allah has purchased from the believers their persons and their properties in exchange of Paradise for them ; they will fight in the way of Allah , so they kill and are killed, a promise which is binding on Him in the Torah, the Gospel and the Quran, and who is more faithful to his promise than Allah ? Rejoice therefore with the sale which you have made, and that is the mighty achievement—9: 111Q. God gives happiness in the future abode to those who are not proud, and are humble. The Quran says : As for the future abode, We assign it to those who have no desire to exalt themselves in the earth or to make mischief—28:83Q.

(d) **Some sayings and examples of dedicated lives. Jesus Christ said :** The world and the hereafter are enemies to each other. However much you please the one, you thereby displease the other. The two cannot live together as water and fire cannot. Jesus had no house in the world to live in and did not marry. *Prophet Noah* lived for about 1000 years. Still he said : The world is a hut having two doors ; through one, the people come in and though another they go out. The great saint *Hasan Basri* said : There is none in the world who will not repent for either of these three things at the time of his death : He could not enjoy what he earned, his hopes and aspirations remained unfulfilled, he could not do sufficient virtuous acts for the next world. *Imam Gazzali* said : A true wordly man shall have four things in mind : Everlasting grief, continuous engagements, constant wants and unlimited hopes. The *Prophet* said : My relation with this world is nothing except like that of a rider who wants rest under a tree, then takes rest and leaves it —29:18. The true wise man is he who takes leave of the world before the world takes leave of him. The mad man is he who wishes to find leisure for divine worship after settlement of wordly

affairs. The Prophet said : Die before your death. The Quran gives us a warning by saying : Those who take their religion for an idle sport and a play, this world's life deceives them, so to-day We shall forget them as they forgot the meeting of this day of theirs and as they denied Our communications—7:51(). The Quran gives us therefore the following instructions : And do not prolong your eyes towards what We have provided of different kinds of them, of the splendour of this world's life that We may thereby try them thereabout, and the provision of your Lord is better and more abiding.—20:131. Here we have been prohibited to prolong our eyes towards the riches and comforts of others in exchange of the next world ? Once the people went to gift a house to Jesus Christ. He gave permission to build a house for him on water. They expressed wonder at this. Then he said : Thus it is impossible to love God with attachment of the world in heart. The saint Fazil said : I don't wonder at him who constructs a building and sometime after dies, but I wonder more at those who do not take lessons from this.

In accordance with the teachings of the Holy Prophet, his followers turned so many saints and hermits and led lives of extremely simple character. Hazrat Omar was the Caliph of Islamic Commonwealth that extended his rule in his time over the Persian, Byzatium and Egyptian Empires in addition to the Peninsula of Arabia. Many a time, he went without food and cloth, because he could not earn them with his own labour owing to his constant engagement in Estate affairs. On being asked by his daughter Hafsa to lead a more comfortable life, he replied : "How shall I be able to reach my two predecessors (Prophet and Abu Bakr) if I do not follow their footsteps. Prophet John used to wear coarse gunny bags all throughout his life. Once he put on a fine cloth being requested by his mother. At once the revelation came : O John ! hast thou renounced Me and adopted the world ? Whereupon he threw off the cloth and put on the gunny bag. The Tazkiratul Aulia gave a graphic descriptions of many saints that renounced the world and adopted the next world as their goal of life. The life of Wais Qarni is also a fine illustration. He lead a life in this world that is proverbial for its simplicity and attachment for the Prophet.

1. Mustaored b-Shabdad reported: I heard the Messenger of Allah say: By Allah, what is this world in comparison with the next world except (like) the parable that some one of you puts his finger in sea, and then let him look what it returns with. [1411]

—*Muslim.*

عن المستورد بن شداد قال سمعت رسول الله صلعم يقول والله ما الدنيا في الآخرة إلا مثل ما يجعل أحدكم إصبعه في اليم فلينظر بما يرجع *

(مسلم)

2. Abu Hurairah reported that the Messenger of Allah said: Undone is the owner of dinars, the owner of dirhams and the owner of clothes. If he is given, he becomes pleased; and if he is not given, he becomes displeased, sorry and miserable; and when he is pricked with a thorn, it is not taken out. Happy is the man who takes hold of the rein of his horse in the way of Allah; his head is dishevelled, and his feet are dust—laden. If he remains on guard he remains on guard; and if he remains in charge of water, he remains in charge of water. If he seeks permission, he is not given permission; and if he intercedes, his intercession is not accepted. —*Bukhari.*

عن أبي هريرة قال قال رسول الله صلعم تعس عبد الدينار وعبد الدرهم وعبد الخميصة إن أعطي رضي وإن لم يعط سخط وتعس وانتكس وإذا شيك فلا انتقش طوبى لعبد آخذ بعنان فرسه في سبيل الله أشعث رأسه مغبرة قدماه إن كان في الحراسة كان في الحراسة وإن كان في الساقة كان في الساقة إن استأذن لم يؤذن وإن شفع لم يشفع *

(البخاري)

3. Abu Sayeed al-Khodri reported that the Messenger of Allah

عن أبي سعيد الخدري أن رسول

1411. A finger comes with nothing from water. Therefore a man engrossed in this world being forgetful of the next world will find nothing useful for him in the next world. The wordly comforts are transient and short-lived.

said: Of what I fear for you after me, there is that which will be held out to you out of the grandeures of this world and its fineries. A man enquired: O Apostle of Allah, does wealth bring evil? Then he remained silent till we thought that he would receive revelation. He (narrator) said: He cleared off his sweat and said: Where is the questioner?— as if he praised him. He said: Wealth does not bring evil. Whatever the field grows, nothing goes in vain, and it does not draw near but those that eat the greens. They eat till their waists grow fat. They remain in sun-shine, and so they pass urine and stools and then return and eat (grass). Verily this property is green, sweet. Whoso acquires it lawfully and places (spends) it lawfully, how excellent is his labour. And whoso acquires it unlawfully is like one who eats and is not satisfied, and it will be a witness against him on the Resurrection Day. 1412

—*Agreed.*

الله صلعم قال إن مما أخاف عليكم
من بعدي ما يفتح عليكم من زهرة
الدنيا وزينتها فقال رجل يا رسول الله
أو يأتي الخير بالشر فسكت حتى
ظننا أنه ينزل عليه قال فمسح عنه الرحضاء
وقال أين السائل وكأنه حمده فقال
إنه لا يأتي الخير بالشر وإن مما ينبت
الربيع ما يقتل حبطا أو يلم إلا آكلة
الخضر أكلت حتى امتدت خاصرتاها استقبلت
عين الشمس فثلطت وبالت ثم عادت
فأكلت وإن هذا المال خضرة حلوة
فمن أخذه بحقه ووضعه في حقه فنعم
المعونة هو ومن أخذه بغير حقه كان
كالذي يأكل ولا يشبع ويكون شهيدا
عليه يوم القيمة * (متفق عليه)

1412. Cattles take grass as they find it without discrimination of right or wrong. So men enjoy properties of men without any discrimination whether they are lawful or unlawful. As cattle eat grass profusely and then catch disorder of bowels, so men enjoy God's gifts of nature without having the least regard for needs and requirments and thus they fall preys to various diseases. As too much food destroys the system, so also too much love for fineries of this world destroys the spiritual progress.

4. **Amr-b-Auf** reported that the Apostle of Allah said: By Allah, it is not poverty that I fear for you, but I fear for you lest this earth should spread for you, as it was spread for those who were before you, so that you should covet for it as they coveted for it, and it will destroy you as it destroyed them. —*Agreed.*

عَنْ عَمْرِو بْنِ عَوْفٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم فَوَاللّٰهِ لَا الْفَقْرَ أَخْشَى عَلَيْكُمْ وَلٰكِنْ أَخْشَى عَلَيْكُمْ أَنْ تُبْسَطَ عَلَيْكُمُ الدُّنْيَا كَمَا بُسِطَتْ عَلَى مَنْ كَانَ قَبْلَكُمْ فَتَنَافَسُوهَا كَمَا تَنَافَسُوهَا وَتُهْلِكَكُمْ كَمَا أَهْلَكَتْهُمْ * (مُتَّفَقٌ عَلَيْهِ)

5. **Abu Hurairah** reported that the Apostle of Allah prayed: O Allah! make the provision of the family of Muhammad a bare meal. (In a narration: just sufficient). *Agreed.*

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللّٰهِ صلعم قَالَ اللّٰهُمَّ اجْعَلْ رِزْقَ آلِ مُحَمَّدٍ قُوتًا وَفِي رِوَايَةٍ كَفَافًا * (مُتَّفَقٌ عَلَيْهِ)

6. **Anas** reported that the Apostle of Allah said: Three things follow the bier. Two of them return and one remains with him (deceased). His family members, his property and his actions follow him. His family members and his property return, and his actions remain for ever. —*Agreed.*

عَنْ أَنَسٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم يَتْبَعُ الْمَيِّتَ ثَلَاثَةٌ فَيَرْجِعُ اثْنَانِ وَيَبْقَى مَعَهُ وَاحِدٌ يَتْبَعُهُ أَهْلُهُ وَمَالُهُ وَعَمَلُهُ فَيَرْجِعُ أَهْلُهُ وَمَالُهُ وَيَبْقَى عَمَلُهُ * (مُتَّفَقٌ عَلَيْهِ)

7. **Mutarref** reported from his father who said: I came to the Prophet while he was reading: Abundance destroyed you all (102Q). He said: The son of Adam says: My property, my property. He said: O son of Adam, hast thou got but what thou hast eaten and then it has gone, or what thou hast put on and

عَنْ مُطَرِّفٍ عَنْ أَبِيهِ قَالَ أَتَيْتُ النَّبِيَّ صلعم وَهُوَ يَقْرَأُ أَلْهٰكُمُ التَّكَاثُرُ قَالَ يَقُولُ ابْنُ آدَمَ مَالِي مَالِي قَالَ وَهَلْ لَكَ يَا ابْنَ آدَمَ إِلَّا مَا أَكَلْتَ

then it has grown old, or what thou hast given in charity and then it has vanished ? —*Muslim.*

فَأَفْنَيْتَ أَوْ لَبِسْتَ فَأَبْلَيْتَ أَوْ تَصَدَّقْتَ
فَأَمْضَيْتَ * (مُسْلِمٌ)

8. **Amr-b-Maimun al-Aodi** reported that the Apostle of Allah said to a man while he was admonishing him : Value five things before five—thy youth before thy old age, thy health before thy illness, thy richness before thy poverty, thy leisure before thy occupation and thy life before thy death.

—*Tirmizi* (*Defective*).

عَنْ عَمْرِو بْنِ مَيْمُونٍ الْأَوْدِيِّ قَالَ
قَالَ رَسُولُ اللهِ صلعم لِرَجُلٍ وَهُوَ يَعِظُهُ
اِغْتَنِمْ خَمْسًا قَبْلَ خَمْسٍ شَبَابَكَ قَبْلَ
هَرَمِكَ وَصِحَّتَكَ قَبْلَ سَقَمِكَ وَغِنَاكَ
قَبْلَ فَقْرِكَ وَفَرَاغَكَ قَبْلَ شُغْلِكَ
وَحَيٰوتَكَ قَبْلَ مَوْتِكَ * التِّرْمِذِيُّ (مُرْسَلًا)

9. **Abu Hurairah** reported that the Apostle of Allah said : Nobody among you awaits but for destroying riches, or for forgetful poverty, or for fatal illness, or for decaying old age, or for coming death, or for Dajjal (Dajjal is an absent evil which awaits), or for the Hour, and the Hour is more fearful and bitter. [1413] —*Tirmizi, Nisai.*

عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ صلعم قَالَ
مَا يَنْتَظِرُ أَحَدُكُمْ إِلَّا غِنًى مُطْغِيًا أَوْ
فَقْرًا مُنْسِيًا أَوْ مَرَضًا مُفْسِدًا أَوْ هَرَمًا
مُفْنِدًا أَوْ مَوْتًا مُجْهِزًا أَوِ الدَّجَّالَ فَالدَّجَّالُ
شَرُّ غَائِبٍ يُنْتَظَرُ أَوِ السَّاعَةَ وَالسَّاعَةُ أَدْهٰى
وَأَمَرُّ ـ (اَلتِّرْمِذِيُّ وَالنَّسَائِيُّ)

10. **Sahl-b-Sa'ad** reported that the Apostle of Allah said :

عَنْ سَهْلِ بْنِ سَعْدٍ قَالَ قَالَ رَسُولُ

1413. The meaning is that the people do not prize their leisure as the most valuable. They are always discontent with their present conditions. They wait for better things in future. They should however remember that the future may bring greater mishaps and misfortunes. It may bring untold riches which mislead men, or pressing poverty which makes one forgetful of his duties towards God and duties towards men, or illness which may take him to the grave or leave him unfit for work. The slogan of men should therefore be : Work and work in the living present with God overhead and heart within.

Had the world been to Allah equivalent to the value of the wing of a grant, He would not have given a sip of drink therefrom to a polytheist. 1414

—*Ahmad, Tirmizi, Ibn Majah.*

الله صلعم لو كانت الدنيا تعدل عند الله جناح بعوضة ما سقى كافرا منها شربة .
(احمد و الترمذي وابن ماجة)

11. **Ibn Mas'ud** reported that the Apostle of Allah said: Don't acquire perishable things so that you may be greedy for this world. —*Tirmizi.*

عن ابن مسعود قال قال رسول الله صلعم لا تتخذوا الضيعة فترغبوا في الدنيا .
(الترمذي)

12. **Ka'ab-b-Malek** reported from his father who said: No two hungry wolves sent in the midst of a flock are more greedy for them than the greed of a man for property and fame for his piety. 1415

—*Tirmizi, Darimi.*

عن كعب بن مالك عن ابيه قال قال رسول الله صلعم ما ذئبان جائعان ارسلا في غنم بافسد لها من حرص المرء على المال والشرف لدينه *
(الترمذي و الدارمي)

13. **Anas** reported that the Apostle of Allah said: All expenses are in the way of Allah except for building. There's no good in it. 1416

—*Tirmizi (Rare).*

عن انس قال قال رسول الله صلعم النفقة كلها في سبيل الله الا البناء فلا خير فيه * الترمذي (غريب)

14. **Anas** reported that the Apostle of Allah came out one day and we were with him. He saw a lofty dome. So he asked: Whose is this? His companions replied: This is for so

عن انس ان رسول الله صلعم خرج يوما ونحن معه فرأى قبة مشرفة فقال ما هذه قال اصحابه هذه لفلان رجل من

1414. This world has got no value in comparision with the next world which will be everlasting. For this reason, Allah gives abundant wealth and health to those who are polytheists and sinners. They will have no share in the eternal world in future.

1415. It means that greed for wealth and greed for fame destroy a man just as two hungry wolves destroy a flock of sheep.

1416. This discourages the construction of big and palatial buildings. What is a bare necessity has not been prohibited. See the next tradition.

and so of the Ansars. He remained silent and bore it to himself; till when its owner came and saluted him in the midst of men, he turned away from him several times, till the man perceived his anger there about and his displeasure therein. This appeared too troublesome to his companions. He said: By Allah, I don't certainly disobey the Messenger of Allah. They said: He (Prophet) came out and saw your dome. Then the man returned to his dome and pulled it down till he levelled it down to the ground. One day the Prophet came out and did not find it. He asked: What was done with the dome? They said: It's owner complained to us about your displeasure. We informed him, and so he destroyed it. Then he said: Verily every building will be a cause of punishment to its owner except that, except that, that is except that which is a bare necessity. —*Abu Daud.*

15. **Abu Hashem b-Utbah** reported: The Apostle of Allah gave me admonition. He said: Verily it will suffice you for all properties: A servant and a conveyance in the way of Allah.

—*Ahmad, Tirmizi, Nisai, Ibn Majah.*

الانصار فسكت وحملها في نفسه حتى لما جاء صاحبها فسلم عليه في الناس فاعرض عنه صنع ذلك مرارا حتى عرف الرجل الغضب فيه والاعراض عنه فشكى ذلك الى اصحابه وقال والله اني لانكر رسول الله صلعم قالوا خرج فرأى قبتك فرجع الرجل الى قبته فهدمها حتى سواها بالارض فخرج رسول الله صلعم ذات يوم فلم يرها قال ما فعلت القبة قالوا شكى الينا صاحبها اعراضك فاخبرناه فهدمها فقال اما ان كل بناء وبال على صاحبه الا ما لا الا ما لا يعني الا ما لا بد منه * (ابوداود)

عن ابي هاشم بن عتبة قال عهد الي رسول الله صلعم قال انما يكفيك من جميع المال خادم ومركب في سبيل الله * (احمد والترمذي والنسائي وابن ماجة)

16. **Osman** reported that the Apostle of Allah said: There is no right for the son of Adam except in these things: A house to live in, a cloth to cover therewith his private parts, a slice of bread, and water. —*Tirmizi.*

عن عثمان أن النبي صلعم قال ليس لابن آدم حق في سوى هذه الخصال بيت يسكنه وثوب يواري به عورته وجلف الخبز والماء *

(الترمذي)

17. **Sahl-b-Sa'ad** reported that a man came and said: O Apostle of Allah! guide me to an action, so that when I will do it, Allah will love me and the people will alsolove me. He said: Be self-denying in this world, and then Allah will love thee; and be aloof from what is near men, and then the people will love thee. —*Tirmizi, Ibn Majah.*

عن سهل بن سعد قال جاء رجل فقال يا رسول الله دلني على عمل إذا أنا عملته أحبني الله وأحبني الناس قال ازهد في الدنيا يحبك الله وازهد فيما عند الناس يحبك الناس *

(الترمذي وابن ماجة)

18. **Ibn Mas'ud** reported that the Apostle of Allah slept on a mat. He awoke and got impressions on his body. Ibn Mas'ud asked: O Messenger of Allah! would that you order us to spread (a bed) for you and to prepare it! He said: What is my connection with his world? My relation with this world is nothing except like that of a rider who wants rest under a tree and then takes rest and leaves it.

—*Ahmad, Tirmizi, Ibn Majah.*

عن ابن مسعود أن رسول الله صلعم نام على حصير فقام وقد أثر في جسده فقال ابن مسعود يا رسول الله لو أمرتنا أن نبسط لك ونعمل فقال ما لي وللدنيا وما أنا والدنيا إلا كراكب استظل تحت شجرة ثم راح وتركها *

(أحمد والترمذي وابن ماجة)

19. **Abu Omamah** reported from the Prophet who said: The most enviable of my friends to me is certanly a believer who

عن أبي أمامة عن النبي صلعم قال أغبط أوليائي عندي لمؤمن

possesses small property and is meek in prayer, and who makes good his divine service and obeys Him secretly, and who mixes with men without being pointed out with fingers, and whose provision is barely sufficient, and who is patient over that and then works with his own hand; (he said) and whose death is hastened, whose weepers are few and whose heritage is scanty.

—*Ahmad, Tirmizi, Ibn Majah.*

20. **Same** reported that the Apostle of Allah said: My Lord asked me to make for me the valley of Mecca full of gold. 'No' replied I, 'but I would like to get a meal for a day and to remain hungry for another, so that when I shall be hungry, I shall be humble to Thee and remember Thee; and when I shall be satisfied with food, I shall praise Thee the I shall be grateful to Thee. —*Ahmad, Tirmizi.*

21. **Obaidullah-b-Mehsan** reported that the Apostle of Allah said: Whoso of you gets up at dawn, tranquil in his mind and healthy in his physique, and having food for his day, this world is as it were taken to him with all its treasures.

—*Tirmizi (Rare)*

22. **Meqdam-b-Ma'adi Kareba** reported: I heard the Apostle

خفيف الحاذ ذو حظ من الصلوة احسن عبادة ربه واطاعه في السر وكان غامضا في الناس لا يشار اليه بالاصابع وكان رزقه كفافا فصبر على ذالك ثم نقر بيده فقال عجلت منيته قلت بواكيه قل تراثه - (احمد والترمذي وابن ماجة)

عنه قال قال رسول الله صلعم عرض علي ربي ليجعل لي بطحاء مكة ذهبا فقلت لا يا رب ولكن اشبع يوما واجوع يوما فاذا جعت تضرعت اليك وذكرتك واذا شبعت حمدتك وشكرتك * (احمد والترمذي)

عن عبيد الله بن محصن قال قال رسول الله صلعم من اصبح منكم امنا في سربه معافى في جسده عنده قوت يومه فكانما حيزت له الدنيا بحذافيرها * الترمذي (غريب)

عن المقدام بن معديكرب قال

of Allah say: No man shall fill up his belly with obnoxious deposits. There should be victuals for belly moderate for the son of Adam, which can keep his backbone erect. If it is not possible, then one third (of belly) for food, one third for drink and one third for his breath.

—*Tirmizi, Ibn Majah.*

سمعت رسول الله صلعم يقول ما ملأ آدمي وعاء شرا من بطن بحسب ابن آدم أكلات يقمن صلبه فإن كان لا محالة فثلث طعام وثلث شراب وثلث لنفسه

(الترمذي وابن ماجة)

23. **Ibn Omar** reported that the Apostle of Allah heard a man to be belching. He said. Make your belching short, because the most hungry man on the Ressurrection Day will be one who is among them over-fed in this world.[1417] —*Tirmizi, Sharhi Sunnat.*

عن ابن عمر ان رسول الله صلعم سمع رجلا يتجشأ فقال اقصر من جشائك فإن أطول الناس جوعا يوم القيمة أطولهم شبعا في الدنيا *

(شرح السنة والترمذي)

24. **Ka'ab-Iyaz** reported: I heard the Apostle of Allah say: Verily there is a calamity for every people, and the clamity for my people is wealth. —*Tirmizi.*

عن كعب بن عياض قال سمعت رسول الله صلعم يقول ان لكل امة فتنة وفتنة امتي المال - (الترمذي)

25. **Anas** reported from the Prophet who said: The son of Adam will be brought on the Resurrection Day as if he is a kid. He will be made to wait in presence of Allah and He will address him: I bestowed gifts to thee and conferred wealth to thee and showed favours on thee. What hast thou done?

عن انس عن النبي صلعم قال يجاء بابن آدم يوم القيمة كأنه بذج فيوقف بين يدي الله فيقول له أعطيتك وخولتك وأنعمت عليك فما

1417. The name of the man is Wahab-b-Abdulla. He was vomitting before the Prophet owing to over-eating. This shows that vomitting is generally the result of over-eating which causes injury to the system.

He will say: O Lord! I earned it and multiplied it and left it more than what it was; let me return, that I may take them all to Thee. He will say to him: Show me what thou hast sent in advance? He will reply. O my Lord! I earned it, multiplied it, and left it more than what it was. Let me return that I may take them all to Thee. But lo! he is a man who did not send any thing good in advance. Then he will be taken to the fire. —*Tirmizi (weak)*

متعت فيقول رب جمعته و ثمرته و تركته
أكثر ما كان فارجعني آتك به كله
فيقول له أرني ما قدمت فيقول رب
جمعته و ثمرته و تركته أكثر ما كان
فارجعني آتك به كله فاذا عبد لم
يقدم خيرا فيمضي به إلى النار *
الترمذي (ضعيف)

26. **Abu Hurairah** reported that the Apostle of Allah said: Verily the first of what a servant will be asked on the Resurrection Day will be about (natural) gifts. He will be asked: Did I not give health to thy physique and refreshed thee with cold water? [1418] —*Tirmizi.*

عن أبي هريرة قال قال رسول الله
صلعم إن أول ما يسأل العبد يوم
القيمة من النعيم أن يقال له ألم نصح
جسمك و نرويك من الماء البارد *
(الترمذي)

27. **Ibn Mas'ud** reported from the Prophet who said: The foot of the son of Adam shall not move on the Resurrection Day till he is asked about seven things; about his life, wherein he spent it; about his youth, wherein he wasted it, about his weath, wherefrom he acquired it and for what he spent it, and

عن ابن مسعود عن النبي صلعم
قال لا تزول قدم ابن آدم يوم القيامة
حتى يسئل عن خمس عن عمره فيما
أفناه و عن شبابه فيما أبلاه و عن
ماله من أين اكتسبه و فيما أنفقه

1418. Cold water and health are two rare gifts. Islam therefore laid great stress for physical and spiritual health—health of body and health of mined.

about what he did in what he had knowledge.

—*Tirmizi (Rare)*

وَمَاذَا عَمِلَ فِيمَا عَلِمَ * اَلتِّرْمِذِيُّ (غَرِيبٌ)

28. **Muawiah** reported that he went to see his maternal uncle Abu Hashem-b-Utbah in illness. Abu Hashem wept. He asked: O maternal uncle! what makes you weep? Is it pain that troubles you or love for this world? 'Never' replied he, 'but the Holy Prophet left for us an admonition which I have not observed or earned it'. He enquired: What is it? He said: I heard him say: Sufficient for thee for acquisition of wealth are a servant and a conveyance in the way of Allah; and surely I conceive that I have amassed wealth. —*Tirmizi, Nisai, Ibn Majah, Ahmad.*

عَنْ مُعَاوِيَةَ اَنَّهُ دَخَلَ عَلَى خَالِهِ اَبِي هَاشِمِ بْنِ عُتْبَةَ يَعُودُهُ فَبَكَى اَبُو هَاشِمٍ فَقَالَ مَا يُبْكِيكَ يَا خَالِ اَوَجَعٌ يُشْئِزُكَ اَمْ حِرْصٌ عَلَى الدُّنْيَا قَالَ كَلَّا وَلَكِنْ رَسُولُ اللهِ صلعم عَهِدَ اِلَيْنَا عَهْدًا لَمْ آخُذْ بِهِ قَالَ وَمَا ذَلِكَ قَالَ سَمِعْتُهُ يَقُولُ اِنَّمَا يَكْفِيكَ مِنْ جَمْعِ الْمَالِ خَادِمٌ وَمَرْكَبٌ فِي سَبِيلِ اللهِ وَاِنِّي اَرَانِي قَدْ جَمَعْتُ * (اَحْمَدُ وَالتِّرْمِذِيُّ وَالنَّسَائِيُّ وَابْنُ مَاجَةَ)

29. **Sahl-b-Sa'ad** reported that the Apostle of Allah said: These goods are treasures, and there are keys for these treasures. So happy is a servant whom the Almighty Allah has made a key to good and a bolt for evil, and woe to a servant whom Allah has made a key to evil and bolt to good.

—*Ibn Majah.*

سَهْلِ بْنِ سَعْدٍ قَالَ قَالَ رَسُولُ اللهِ صلعم قَالَ اِنَّ هَذَا الْخَيْرَ خَزَائِنُ وَلِتِلْكَ الْخَزَائِنِ مَفَاتِيحُ فَطُوبَى لِعَبْدٍ جَعَلَهُ اللهُ تَعَالَى مِفْتَاحًا لِلْخَيْرِ مِغْلَاقًا لِلشَّرِّ وَوَيْلٌ لِعَبْدٍ جَعَلَهُ اللهُ مِفْتَاحًا لِلشَّرِّ وَمِغْلَاقًا لِلْخَيْرِ * (ابْنُ مَاجَةَ)

30.* **Ali** reported: This world is going back and the next world is coming on; and for each of two, there are children.

عَنْ عَلِيٍّ قَالَ ارْتَحَلَتِ الدُّنْيَا مُدْبِرَةً وَارْتَحَلَتِ الْآخِرَةُ مُقْبِلَةً وَلِكُلِّ

So be children of the next world, and be not children of this world. Verily there is action to day and no account; but there will be account to morrow and no action.[1419] —*Bukhari.*

وَاحِدَةٍ مِنْهُمَا بَنُونَ فَكُونُوا مِنْ أَبْنَاءِ الْآخِرَةِ وَلَا تَكُونُوا مِنْ أَبْنَاءِ الدُّنْيَا فَإِنَّ الْيَوْمَ عَمَلٌ وَلَا حِسَابَ وَغَدًا حِسَابٌ وَلَا عَمَلَ * (اَلْبُخَارِيّ)

31. **Abu Hurairah** reported that the Apostle of Allah said: By One in whose hand there is my life, if you had known what I know, you would have certainly wept much and laughed little. —*Bukhari.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ أَبُو الْقَاسِمِ صلعم وَالَّذِي نَفْسِي بِيَدِهِ لَوْ تَعْلَمُونَ مَا أَعْلَمُ لَبَكَيْتُمْ كَثِيرًا وَلَضَحِكْتُمْ قَلِيلًا * (اَلْبُخَارِيّ)

32. **Ummul A'la al Ansariyyah** reported that the Apostle of Allah said: By Allah, I don't know, though I am the Apostle of Allah, what will be done with me and with you.[1420] —*Bukhari.*

عَنْ أُمِّ الْعَلَاءِ الْأَنْصَارِيَّةِ قَالَتْ قَالَ رَسُولُ اللّٰهِ صلعم وَاللّٰهِ لَا أَدْرِي وَأَنَا رَسُولُ اللّٰهِ مَا يُفْعَلُ بِي وَلَا بِكُمْ * (اَلْبُخَارِيّ)

33. **Ma'ad** reported that the Apostle of Allah said: Verily Allah loves a servant, pure, independent, unostentatious. —*Muslim.*

عَنْ سَعْدٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم إِنَّ اللّٰهَ يُحِبُّ الْعَبْدَ التَّقِيَّ الْغَنِيَّ الْخَفِيَّ * (مُسْلِم)

34. **Jundub** reported that a Beduin Arab came and untied his conveyance. Afterwards he tied it up and entered the mosque. He prayed behind the Apostle of Allah. When he

عَنْ جُنْدُبٍ قَالَ جَاءَ أَعْرَابِيٌّ فَأَنَاخَ رَاحِلَتَهُ ثُمَّ عَقَلَهَا ثُمَّ دَخَلَ الْمَسْجِدَ فَصَلَّى خَلْفَ رَسُولِ اللّٰهِ صلعم فَلَمَّا سَلَّمَ أَتَى رَاحِلَتَهُ

1419. The age of the world decreases as days go by and the next world comes. So we should not waste a great deal of time for what is going, but should think of what is coming to us day after day.

1420. The Holy Prophet did not claim any supernatural powers and knowledge except what was granted to him as occasion arose. Naturally he did not claim that salvation lay in his hands. He left everything to God and His mercy. This absolute self-surrender to the Supreme Being is never found in the history of religious personalities.

returned greeting, he came to his riding anmial, untied it and rode. He then proclaimed: O Allah! show mercy on me and Muhammad, and don't share any in the mercy on us. Then the Apostle of Allah said: Do you all say that he or his camel is misguided? Did you not hear what he said? They replied: Yes. —*Abu Daud.*

فاطلقها ثم ركب ثم نادى اللهم
ارحمني ومحمدا ولا تشرك في رحمتنا
احدا فقال رسول الله صلعم اتقولون هو
اضل ام بعيره الم تسمعوا الى ما
قال قالوا بلى * (ابوداود)

35. **Anas** reported that the Apostle of Allah said: Verily Allah does not destroy a virtue of a believer. He is given (reward) for it in this world and reward for it in the hereafter. As for an unbeliever, he is given food for his virtues which he does for Allah in this world till when he is taken to the hereafter, there remains no virtue for him with which he should be rewarded.[1421] —*Muslim.*

عن انس قال قال رسول الله صلعم
ان الله لا يظلم مؤمنا حسنة يعطى بها
في الدنيا ويجزى بها في الاخرة واما
الكافر فيطعم بحسنات ما عمل بها لله
في الدنيا حتى اذا افضى الى الاخرة
لم تكن له حسنة يجزى * (مسلم)

398w. **Abu Musa** reported that the Apostle of Allah said: Whoso loves his world injures his hereafter; and whoso loves his hereafter injures his world. So prefer what will last forever to what will perish. —*Ahmad, Baihaqi.*

عن ابي موسى قال قال رسول الله
صلعم من احب دنياه اضر باخرته
ومن احب اخرته اضر بدنياه فاثروا
ما يبقى على ما يفنى. (احمد والبيهقي)

1421. A Muslim is rewarded both in this world and in the next for his virtues, but an unbeliever is rewarded only in this world. It is clear from this that faith in Allah and the Prophethood of Muhammad is necessary in order to be a Muslim and to get double rewards.

399w. **Abu Zarr** reported that the Apostle of Allah said: No servant has been truly devout to Allah in this world, but Allah grew wisdom in his heart, made his tongue eloquent, gave him insight into the defects of this world, its diseases and its cure and takes him out sound towards the Abode of Peace. —*Baihaqi.*

عن ابي ذر قال قال رسول الله صلعم ما زهد عبد في الدنيا الا انبت الله الحكمة في قلبه و انطق بها لسانه و بصره عيب الدنيا و داءها و دواءها و اخرجه منها سالما الى دار السلام * (البيهقي)

400w. **Same** reported that the Apostle of Allah said: Successful is one whose heart has been made by Allah sincere for faith, whose heart has been made sound, whose tongue truthful, whose soul well-pleased (with Him), whose constitution well-built, whose ears has been made for hearing and whose eyes for seeing. As for the ears they are scrutinizers; and as for the eyes, they are for confirmation of what heart has guarded. He is indeed successful whose heart has been made a guard. —*Ahmad, Baihaqi.*

عنه ان رسول الله صلعم قال قد افلح من اخلص الله قلبه للايمان و جعل قلبه سليما و لسانه صادقا و نفسه مطمئنة و خليقته مستقيمة و جعل اذنه مستمعة و عينه ناظرة فاما الاذن فقمع و اما العين فمقرة لما يوعي القلب وقد افلح من جعل قلبه واعيا (احمد و البيهقي)

401w. **Abu Omamah** reported that one of the inmates of suffah died and left a dinar. The Prophet said: A scorpoin, then another died and left two dinars. The Holy Prophet said: Two scorpoins. [1411] —*Ahmad, Baihaqi.*

عن ابي امامة ان رجلا من اهل الصفة توفي و ترك دينارا فقال رسول الله صلعم كية قال ثم توفي اخر فترك دينارين فقال رسول الله صلعم كيتان (احمد و البيهقي)

1412. The inmates of Suffah were the dwellers in a portion of the Prophet's mosque at

402w. **Omme-Darda'a** reported: I asked Abu Darda'a: What is the matter with you that you do not beg while so and so begs? He said: I heard the Apostle of Allah say: Verily there is in your presence a strong barrier which those with heavy burden cannot overcome. So I like to make myself light for that barrier.

—*Baihaqi.*

عن ام الدرداء قالت قلت لابي الدرداء ما لك لا تطلب كما يطلب فلان فقال اني سمعت رسول الله صلعم يقول ان امامكم عقبة كؤدا لا يجوزها المثقلون فاحب ان اتخفف لتلك العقبة *

(البيهقي)

403w. **Anas** reported that the Apostle of Allah asked: Is there anybody walking on water but his feet has not been drenched? 'No' said they, 'O Ms. of Allah'. He said: Thus the owner of this world is not free from sins.

—*Baihaqi.*

عن انس قال قال رسول الله صلعم هل من احد يمشي على الماء الا ابتلت قدماه قالوا لا يا رسول الله قال كذلك صاحب الدنيا لا يسلم من الذنوب *

(البيهقي)

404w. **Huzaifah** reported: I heard the Apostle of Allah say in his sermon: Wine collects all sins, and women are strings of the devil, and love of the world is the root of all sins. He said: I heard him say: Keep women under control where Allah kept them.

—*Razin, Baihaqi.*

عن حذيفة قال سمعت رسول الله صلعم يقول في خطبته الخمر جماع الاثم والنساء حبائل الشيطان وحب الدنيا راس كل خطيئة قال وسمعته يقول اخروا النساء حيث اخرهن الله *

(رزين والبيهقي)

405w **Shaddad** reported: I heard the Apostle of Allah say: O people, verily this world is a

عن شداد قال سمعت رسول الله

Medina who dedicated their lives to whole-time worship of the Almigty Allah. For them, to leave a dinar was the greatest fault and hence they will have sting like scorpions. They had no necessity of hoarding, as their bare necessaries were supplied by the Prophet and his companions.

present commodity from which the pious and the sinners take food. Verily the next world is a true covenant where a just and powerful king will be a judge establishing truth therein and destroying what is void. Be children of the next world and be not children of this world. Verily as for every mother, her son follows her. —*Baihaqi*

صلعم يقول ايها الناس ان الدنيا عرض حاضر يأكل منها البر و الفاجر و ان الاخرة وعد صادق يحكم فيها ملك عادل قادر يحق فيها الحق و يبطل الباطل كونوا من ابناء الاخرة ولا تكونوا من ابناء الدنيا فان كل ام يتبعها ولدها

(البيهقي)

406w. **Abu Darda'a** reported that the Apostle of Allah said: The sun has never risen but there were two angels on its two sides. They proclaim to the hearing of the creatures except the two beings: [1423] O people, come to thy Lord. What is scanty and sufficient is better than what is enormous and insufficient. —*Abu Nayeem.*

عن ابي الدرداء قال قال رسول الله صلعم ما طلعت الشمس الا و بجنبتيها ملكان يناديان يسمعان الخلائق غير الثقلين يايها الناس هلموا الى ربكم ما قل و كفى خير مما كثر و الهى *

(ابو نعيم)

407w. **Abu Hurairah** reported what reached him. He said: When a man dies, angels ask "What has he sent in advance" but the children of Adam ask, 'What has he left behind?' [1424] —*Baihaqi.*

عن ابي هريرة يبلغ به قال اذا مات الميت قالت الملائكة ما قدم وقال بنو ادم ما خلف * (البيهقي)

408w. **Mu'az-b-Jabal** reported: When the Prophet was sending him to Yemen, the Holy Prophet came out with him advising him

عن معاذ بن جبل قال لما بعثه رسول الله صلعم الى اليمن خرج معه رسول الله

1423. The two beings are man and jinn.

1424. In other words, angels enquire about the virtues of the deceased and the people about his riches, wealth and children.

while Mu'az was on horseback and the Prophet was walking below his conveyance. When he finished, he said: O Mu'az, it may be that you may not meet me after this year of mine 1424a and you may perhaps pass by this mosque of mine and my grave. Mu'az burst into tears for parting away from the Apostle of Allah. Then the Prophet turned his look and directed his face towards Medina and said: Verily the dearest of men to me are the pious, whosoever they may be and wherever they may live. 1425 —*Ahmad.*

صلعم يوصيه ومعاذ راكب ورسول الله صلعم يمشي تحت راحلته فلما فرغ قال يا معاذ إنك عسى أن لا تلقاني بعد عامي هذا ولعلك أن تمر بمسجدي هذا وقبري فبكى معاذ جشعا لفراق رسول الله صلعم ثم التفت فأقبل بوجهه نحو المدينة فقال إن أولى الناس بي المتقون من كانوا أو حيث كانوا * (أحمد)

409w. **Abu Ayyub Ansari** repoted that a man came to the Prophet and said: Advise me and be short. He said: When you stand up for your prayer, say prayer of one who is forever taking leave; and don't hold such a talk as you may find excuse out of it to-morrow, and be hopeless of what are in the hands of men. —*Ahmad.*

عن أبي أيوب الأنصاري قال جاء رجل إلى النبي صلعم فقال عظني وأوجز فقال إذا قمت في صلاتك فصل صلوة مودع ولا تكلم بكلام تعذر منه غدا وأجمع الإياس مما في أيدي الناس * (أحمد)

410w. **Ayesha** reported: We had a screen wherein there were pictures of birds. The Prophet said: O Ayesha!

عن عائشة قالت كان لنا ستر فيه تماثيل طير فقال رسول الله صلعم يا عائشة

1424a. Here the Prophet gave prophecy of his death in near future. In fact, it occurred while Mu'az was in Yemen as the governor of the province.

1425. Here the Prophet laid the principle of the widest possible democracy of Islam in which the noble are not those that are born with silver spoons in their mouths, nor those who come of a noble lineage but those who are the most pious and dutiful

change it, because when I see it, I am certainly reminded of this world. —*Ahmad.*

حوليه فاني اذا رأيته ذكرت الدنيا *
(احمد)

411w. Ibn Mas'ud reported that he recited: Whomsoever Allah wishes to guide, He expands his breast for Islam. The Holy Prophet said: When light enters the breast, it expands it. It was then questioned: O Prophet of Allah, is there any knowledge for it by which it can be recognised? 'Yes' said he, 'going from the abode of deception, and turning to the abode of eternity' and preparing for death before it comes. —*Baihaqi.*

عن ابن مسعود قال تلا رسول الله صلعم فمن يرد الله ان يهديه يشرح صدره للاسلام فقال رسول الله صلعم ان النور اذا دخل الصدر انفسح فقيل يا رسول الله هل لتلك من علم تعرف به قال نعم التجافي من دار الغرور والانابة الى دار الخلود والاستعداد للموت قبل نزوله * (البيهقي)

412w. Abu Hurairah and Abu Khallad reported that the Apostle of Allah said: When you see a servant endowed with sincere devotion in this world and little talk, seek nearness to him as he cannot be free from wisdom. —*Baihaqi.*

عن ابي هريرة و ابي خلاد ان رسول الله صلعم قال اذا رأيتم العبد يعطى زهدا في الدنيا وقلة منطق فاقتربوا منه فانه يلقى الحكمة *
(البيهقي)

413w. Abdullah-b-Shaddad reported that a host of three from the Banu Uzrah tribe came to the Prophet and accepted Islam. The Ms. of Allah enquired: Who from them will be sufficient to me? Talhah said: I. They were near him. Then

عن عبد الله بن شداد قال ان نفرا من بني عذرة ثلاثة اتوا النبي صلعم فاسلموا قال رسول الله صلعم من يكفينيهم قال طلحة انا فكانوا عنده فبعث النبي

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irrespective of the fact that they are Arabs or non-Arabs, black or white, high or low. This bell of complete democracy brings a death knell to the modern political controversies.

the Prophet sent an army. One of them came out in it and was martyred. Then he sent (another) army in which there was another of them. He was also martyred. Afterwards the third died upon his bed. Talhah said : I saw these three in Paradise, and I saw him who died on (his) bed in front of them, and one who was martyred last was following him, and the first of them was following him. He admitted me on account of that and so I narrated it to the Prophet. He said : You cannot deny that. There is none better in the sight of Allah than a believer who is old in Islam for his *tasbih, takbir, and tahlil.*[1825a]

—*Ahmad.*

صلعم بعثا فخرج فيه احدهم فاستشهد ثم بعث بعثا فخرج فيه الآخر فاستشهد ثم مات الثالث على فراشه قال طلحة فرأيت هؤلاء الثلثة في الجنة ورأيت الميت على فراشه امامهم والذي استشهد اخرا يليه واولهم يليه فدخلني من ذلك فذكرت للنبي صلعم ذلك فقال وما انكرت من ذلك ليس احد افضل عند الله من مؤمن يعمر في الاسلام لتسبيحه وتكبيره وتهليله

(احمد)

414w. **Malek** reported that Luqman said to his son : O my darling ! verily what has been promised to the people has been prolonged and they are hastily going towards the Hereafter ; and verily you have been leaving the world behind since you have been born and you have been advancing towards the Hereafter, and verily you are journeying towards an abode which is nearer to you than the abode from which you are going out.

—*Razin*

عن مالك ان لقمان قال لابنه يا بني ان الناس قد تطاول عليهم ما يوعدون وهم الى الآخرة سراعا يذهبون وانك قد استدبرت الدنيا منذ كنت واستقبلت الآخرة وان دارا تسير اليها اقرب اليك من دار تخرج منها *

(رزين)

1825a. See note 2266 for details of these formulas.

415w. Muhammad-b-Abi Amirah, and he was one of the companions of the Messenger of Allah, reported : Verily as for a slave, if he prostrates upon his face from the day he is born till he dies extremely old in obedience to Allah, He will consider it on that day as insignificant, and he would certainly like to come back to the world to increase rewards and merits. *Ahmad.*

عن محمد بن ابي عميرة وكان من اصحاب رسول الله صلعم قال ان عبدا لو خر على وجهه من يوم ولد الى ان يموت هرما في طاعة الله لحقره في ذلك اليوم ولود انه رد الى الدنيا كيما يزداد من الاجر والثواب * (احمد)

416w. Ibn Abbas reported that the Apostle of Allah said : A proclaimer will proclaim on the Resurrection Day : Where are the children of 60 years? And that is the age about which the Almighty Allah said : **Have We not given thee an age wherein one who wishes to remember (God) should remember and has not the warner come to you?** —*Baihaqi.*

عن ابن عباس قال قال رسول الله صلعم ينادي مناد يوم القيمة اين ابناء الستين وهو العمر الذي قال الله تعالى اولم نعمركم ما يتذكر فيه من تذكر وجاءكم النذير * (البيهقي)

417w. Ibn Omar reported that the Apostle of Allah said : Verily **a man must be one of the inmates of prayer, fasting, zakat, pilgrimage and Umrah (till he mentioned all the virtues, the whole of them) but he will be rewarded on the Resurrection Day except to the proportion of his wisdom.** [1825b] —*Ahmad.*

عن ابن عمر قال قال رسول الله صلعم ان الرجل ليكون من اهل الصلوة والصوم والزكوة والحج والعمرة حتى ذكر سهام الخير كلها وما يجزى يوم القيمة الا بقدر عقله * (احمد)

1825b. This shows that the intention in those pious deeds and intelligent reading will bring greater rewards.

418w. **Zaid-b-Aslama** reported that one day Omar wanted for water, and water, mixed with honey was brought. He said: Verily it is delicious, but (I won't drink as) I heard that the Almighty and Glorious Allah mourn for a people for their desires. He said: Take your lawful things in your lives of this world and enjoy them. I fear lest our virtures are hastened for us. So he did not drink it. —*Razin.*

عن زيد بن اسلم قال استسقى يوما عمر فجيء بماء قد شيب بعسل فقال انه لطيب لكني اسمع الله عز وجل نعى على قوم شهواتهم فقال اذهبتم طيباتكم في حياتكم الدنيا و استمتعتم بها فاخاف ان تكون حسناتنا عجلت لنا فلم يشربه * (رزين)

419w. **Ibn Omar** reported that the Prophet said: Guard yourselves against an unlawful thing in building, because it will be a foundation of evil. —*Baihaqi.*

عن ابن عمر ان النبي صلعم قال اتقوا الحرام في البنيان فانه اساس الخراب * (البيهقي)

420w. **Sufyan as-Saori** reported that wealth in bygone ages was disliked. As for now, it is a shield for a believer. He said: But for these dinars, these kings would have certainly given us kerchiefs. He said: Whoso has got in his hand anything of these, let him make good use of it, because it is a time in which, if there is need, he will be the first who will change his religion. He said: A lawful thing does not countenance extravagance. *Sharhi Sunnat.*

عن سفيان الثوري قال كان المال فيما مضى يكره فاما اليوم فهو ترس المؤمن و قال لولا هذه الدنانير لتمندل بنا هؤلاء الملوك و قال من كان في يده من هذه شيء فليصلحه فانه زمان ان احتاج كان اول من يبذل دينه و قال الحلال لا يحتمل السرف * (شرح السنة)

SECTION 2

1426. Fear and Weeping

From what has been described in the previous article about the transitory nature of the wordly vanities and the warnings and descriptions given about the horrors and punishments of the hereafter, there arises naturally a fear in mind resulting in repentance and weeping for our past misdeeds and the possible future sins into which we have every chance of falling through the machinations of the devil. This is fear what is technically called التقــوى *Taqwa* (God-fear), and the fearful man is called المتقي (God-fearing man).

(a) **Significance of God-fear**. A tiger is feared because of its possible harms. God, however, is Rahman (Merciful). Therefore hope in His unbounded mercy removes fear of Him from many a mind. Besides what is feared cannot be loved. So how can God be loved if He is feared? The solution of this guestion is no doubt difficult but let us try to clear this anomaly a bit. A little boy does not naturally love his father and mother because they threaten him with punishment if he does not read attentively. He loves those who do not threaten him and oppose him in his free movements. When the boy will be mature in understanding and advanced in years, he will begin to love his father and mother more than his old associates because of their sincere desire for his welfare from his boyhood. Thus real love results in the final stage out of fear in the initial stage. Similar is our fear in the initial stage of our religious life in order that love of God may be attained at the end either in this world or in the hereafter. Take another instance. An executioner is feared by a man because he is going to inflict punishment on his person. That is why it cannot be said that he is cruel. He is merely obeying the command of the judge. If he had not committed crime, he would have no cause of fear. Therefore true God-fear means the fear of the punishments that will follow as a matter of course out of the violation of God's laws. It cannot be said that God is feared because

He is cruel. So practically fear of God means fear of the violation of God's laws and their consequent punishments. It is a God's law that fire will burn. God says that anybody doing sinful acts will also be burnt by the fire of Hell. Therefore fear of falling into fire or of other punishments as a result of commissions and ommissions is called God-fear.

(b) **Means of raisings God-fear in mind.** There are principally three means of exciting fear of God in mind.

(1) Firstly, the knowledge of God as the Almighty and All-powerful Being and the knowledge of one's own absolute weakness, helplessness and inability. One must have knowledge of the nature of the thing before fear of that thing is generated in mind. For example, a man fears a tiger or a snake because he knows its real nature of harm from before. A little child will not fear it because of its ignorance in its real nature. At the same time, the man in presence of the tiger must know that he is completely helpless at that moment before the huge ferocious tiger and that he is unable to save himself. Similarly in order to create true fear of God in mind, one must recognise that he is absolutely helpless and that God can do every thing with him whatever He likes. Thus knowledge of God is the first step of fear. The Quran therefore says that only the learned fear Allah: Surely the learned among His servants fear Allah—35:28Q.

(2) Secondly, a man must keep company with the religious and God-fearing men. This is no less useful as association has got a great influence. A child learns to fear a tiger or a snake by seeing others to fear it. So also a child in religion learns to fear God by association with the Gob-fearing men.

(3) Thirdly, a man must read the lives of God-fearing men. Lives of these saints give a great incentive towards religious frame of mind and ennoble us.

(c) **Results of God-fear:** If fear of God can be generated in mind in a greater degree, the result is wonderful. All attachments from the worldly things vanish away and the mind turns sincerely to the thoughts of the hereafter and the remembrance of Allah. To explain it more fully, it may be said by way of

an example that a man meets a girl in a jungle and wishes to have her sweet company. Suddenly he meets a huge tiger in front of him. Surely it is natural on his part to give up all charming thoughts about the girl and to take to his heels immediately to save his life. Similarly fear of infernal punishment and of wrath of God for misdeeds remove attachment for the world and keep oneself engaged in the constant remembrance of God.

(d) **One must give up fear of men in order to achieve true fear of God.** A true Muttaqi does not fear anything in the world but God. Man-fear and God-fear are two inconsistent things. If there is fear of men, there is no fear of God because he violates God's orders to please men. If however, there is fear of God, he does not fear men as he pleases God even by displeasing men. So the best thing is to have the Creator by one's back instead of His creation. This was clearly illustrated in the life of the Prophet. The Quran repeatedly declares that only the Creator is to be feared and not the created. Therein lies a great wisdom. It says: Don't fear them but fear Me that I may complete My favours on you—2:150Q. This was repeated in verses 5:3Q; 33:37Q; 5:44Q; 9:18Q. Again in another verse: When fighting is prescribed for them, lo! a party of them fear men as they ought to have feared Allah or even with a greater fear—4:77Q. Fear Allah and let everybody look to what he sent in advance for the mrorow—54:18Q.

(e) **Merits of fear and weeping.** Fear of God is an excellent attribute in a man. Indeed it has been rightly said by the Prophet that fear of God is the beginning of wisdom. The Quran therefore says: The wise among His servants fear Allah—35:28Q. Fear is like fire which burns the animal passions in us and restrains us from committing sins and evils. Weeping is like rain which washes off all sins. It is a sign of a sincere heart. It is also a sign that the prayer of a man has been accepted by God. As fire and water mixed together in proportionate degree create a wonderful force (called steam), likewise the fire of fear and the water of tears arising out of fear of God create a spiritual force which carries a man onward to the spiritual world. The Quran says: There are mercy and guidance for those who fear for the sake of their Lord—

7:154Q. He (God) is well-pleased with them and they are well-pleased with Him. That is for one who fears his Lord—98:8Q. He accepts only fears—22:37Q. Verily the most honourable of you in the sight of Allah is the one who is the most God-fearing among you —49:13Q. And for him who fears to stand before his Lord, are two gardens—55:46Q. The Holy Prophet said: Do you know what will stand foremost to lead men to Paradise?—Fear of Allah and god conduct—4:91. Nothing is dearer to Allah than two drops—one drop of tears out of fear of Allah, and one drop of blood in the way of Allah—4:117. The fire shall not touch one who weeps out of fear of Allah till milk returns to its udder—4:118. As for one who fears Allah, all in the world fear him; and he who does not fear Allah fears all in the world. Let them laugh little and weep much as a recompense of what they did—9:82Q. A saint said: Do you laugh when your burial cloth has already come out from the palace of God. [1]

(f) **Some examples of ideal fear and weeping.** [2] When Azazil (devil) was driven out of heaven, angels Gabriel and Mickael began to weep for long out of fear. Gabriel told the Prophet: I have never seen the angel Mickael laughing. Since the Hell was created, Mickael is in constant fears and, therefore, he could not laugh. When the Prophet Abraham prayed, his mind was filled up with so much fear that the noise of fear coming out of his heart was heard from a distance of even one mile. The Prophet David wept once for continuous forty days after placing his forehead on the ground and took meal once in every 7 days. His tears flowed down on earth to such an extent that grass began to grow therefrom. His hymns mixed with fear and weeping were attended to by men and even animals. Prophet John from his earliest years kept himself always engaged in divine worship in the mosque of Jerusalem. Once he was thirsty and so went to a fountain and took water to drink. At once he remembered the punishment of the next world and said: O Lord! I am greatly thirsty, but still I won't touch water till I know my condition in the next world. He wept so much out of fear of Allah that a portion of the flesh of his face fell down and it assumed a fearful

1. See note 493 for the sayings on weeping, and note 407 on fear.
2. These examples have been gathered from Imam Gazzali's Ihyaul-Ulum.

look. The Holy Prophet Muhammad (Ayesha reported) wept almost in every night out of fear of Allah, so much so that often Bilal had to call him for morning prayer. Besides the Prophets, the companions and the followers of the Prophet showed also no less fear of God.

Hazrat Abu Bakr said: Would that I were a bird, I could have escaped from the burden of administration. Abu Zarr said Would that I were a tree, I could have avoided the burden of account in the next world! Hazrat Ayesha said: Would that I were not born in the world! Hazrat Omar used to fall often in swoon out of fear of God. Once he was travelling on a camel and Suddenly heard a man reading some verses from the Quran: "Certainly the punishment of the Lord will come to pass—52:7Q," he fell down Suddenly from his camel out of fear and remained motionless for some hours. When Hazrat Ali made ablution, he used to become stupified with fear. Being asked, he replied: You do not know before Whom I am going to stand in prayer. The saint Ma'sur once heard a man reciting the following verses of the Quran: The day on which We will gather those who fear the Merciful in groups, and We will drive the guilty to Hell in thirst—19:85Q., Suddenly he fell down senseless and ultimalety breathed his last. The saint Attab Salma did not laugh or look towards heaven for a continuous period of 40 years. Once his look was raised up to heaven. At once he fell down senseless. The saint Hasan Basri, Wais Qarni, Rabia, Omar-b-Abdul Aziz and innumerable followers of the Prophet led their lives in constant fear of God and of their fate in the next world.

36. **Zainab-bn-Jahsh** reported that the Prophet one day went to her frightfully, saying: There is no god but Allah, and woe to the Arabs for the evils which are near. There has been an opening to-day in the block of Agog and Magog like this. He then joined his fingers round his thumb and

عَنْ زَيْنَبَ بِنْتِ جَحْشٍ اَنَّ رَسُولَ
اللّٰهِ صلعم دَخَلَ عَلَيْهَا يَوْمًا فَزِعًا يَقُولُ لَا اِلٰهَ
اِلَّا اللّٰهُ وَيْلٌ لِلْعَرَبِ مِنْ شَرٍّ قَدِ اقْتَرَبَ فُتِحَ
الْيَوْمَ مِنْ رَدْمِ يَاْجُوْجَ وَمَاْجُوْجَ مِثْلَ

the next finger. Jainab said: I asked: O Messenger of Allah! shall we be destroyed while there will be pious men among us? 'Yes' replied he 'when indecencies will be wide-spread.

—*Agreed.*

هذه وحلق بإصبعيه الإبهام والتي تليها قالت زينب قلت يا رسول الله أنهلك وفينا الصالحون قال نعم إذا كثر الخبث (متفق عليه)

37. **Ibn Omar** reported that the Apostle of Allah said: When Allah sends punishment to a people, it overtakes everybody that lives among them. Afterwards they will be raised up according to their actions.

—*Agreed.*

عن ابن عمر قال قال رسول الله صلعم إذا أنزل الله بقوم عذابا أصاب العذاب من كان فيهم ثم بعثوا على أعمالهم * (متفق عليه)

38. **Jaber** reported that the Apostle of Allah said: Every servant will be raised up upon the condition in which he died. 1427 —*Muslim.*

عن جابر قال قال رسول الله صلعم يبعث كل عبد على ما مات عليه * (مسلم)

39. **Abu Hurrairah** reported that the Prophet said: I did never see like the fire that one who flees away from it (ever) sleeps, or like Paradise that one who seeks it, (ever) sleeps. —*Tirmizi.*

عن أبي هريرة قال قال رسول الله صلعم ما رأيت مثل النار نام هاربها ولا مثل الجنة نام طالبها * (الترمذي)

40. **Abu Zarr** reported that the Apostle of Allah said: Verily I see what you do not see, and I hear what you do not hear. Heaven uproars, and it

عن أبي ذر قال قال النبي صلعم إني أرى ما لا ترون وأسمع ما لا تسمعون أطت السماء وحق لها أن

1427. This means that a man will receive the state of mind upon which he died. If he died with faith and believing that 'there is no God but Allah and Muhammad is His Apostle,' he will be raised upon the Resurrection Day as a beleiver to get his rewards. This good death is however a condition precedent upon good actions during life.

has right to uproar. By One in whose hand there is my life, there is not a place of four fingers but wherein an angel has spread up his forehead in prostration to Allah. By Allah, if you had known what I know, you would have laughed little and wept much, and you would not have enjoyed women on beds, and you would have certainly come out to the hills seeking refuge to Allah. Abu Zarr said: Would that I would have turned a tree to be sewed!

—*Ahmad, Tirmizi, Ibn Majah.*

تَأَطَّ وَالَّذِي نَفْسِي بِيَدِهِ مَا فِيهَا مَوْضِعُ أَرْبَعِ أَصَابِعَ إِلَّا وَمَلَكٌ وَاضِعٌ جَبْهَتَهُ سَاجِدًا لِلّٰهِ وَاللّٰهِ لَوْ تَعْلَمُونَ مَا أَعْلَمُ لَضَحِكْتُمْ قَلِيلًا وَلَبَكَيْتُمْ كَثِيرًا وَمَا تَلَذَّذْتُمْ بِالنِّسَاءِ عَلَى الْفُرُشَاتِ وَلَخَرَجْتُمْ إِلَى الصُّعُدَاتِ تَجْأَرُونَ إِلَى اللّٰهِ قَالَ أَبُو ذَرٍّ يَا لَيْتَنِي كُنْتُ شَجَرَةً تُعْضَدُ *

(أَحْمَدُ وَالتِّرْمِذِيُّ وَابْنُ مَاجَةَ)

41. **Abu Hurairah** reported that the Apostle of Allah said: Whoso fears, flies away before dusk; and whoso flies away before dusk, reaches the abode. Behold! verily the goods of Allah are dear. Behold! the goods of Allah are Paradise.

—*Tirmizi.*

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم مَنْ خَافَ أَدْلَجَ وَمَنْ أَدْلَجَ بَلَغَ الْمَنْزِلَ أَلَا إِنَّ سِلْعَةَ اللّٰهِ غَالِيَةٌ أَلَا إِنَّ سِلْعَةَ اللّٰهِ الْجَنَّةُ *

(اَلتِّرْمِذِيُّ)

42. **Anas** reported that the Apostle of Allah said: Allah whose remembrance is exalted will say: Take out of the fire those who remembered Me even for a day or feared Me in any place.[1428] —*Tirmizi.*

عَنْ أَنَسٍ أَنَّ النَّبِيَّ صلعم قَالَ يَقُولُ اللّٰهُ جَلَّ ذِكْرُهُ أَخْرِجُوا مِنَ النَّارِ مَنْ ذَكَرَنِي يَوْمًا أَوْ خَافَنِي فِي مَقَامٍ *

(اَلتِّرْمِذِيُّ)

43. **Ayesha** reported: I asked the Apostle of Allah about this

عَنْ عَائِشَةَ قَالَتْ سَأَلْتُ رَسُولَ اللّٰهِ

1428. There is a reference to this in the Quran—And as for one who fears the place of his Lord and abnegates himself from passion, then verily Paradise is the place of (his) resort. 'In any place,' means 'in any place wherein there is chance of committing crimes'

verse "And those who will bring what has been granted to them, and whose hearts are fearful"— Are they those who drink wine and commit theft? 'No' said he, 'O daughter of the truthful; but they are those who keep fast, keep up prayer, give alms and fear that this will not be accepted from them. Those are they who hasten towards good deeds. —*Tirmizi*, *Ibn Majah*.

صلعم عن هذه الآية والذين يؤتون
ما آتوا وقلوبهم وجلة أهم الذين
يشربون الخمر ويسرقون قال لا يا ابنة
الصديق ولكنهم الذين يصومون ويصلون
ويتصدقون وهم يخافون أن لا يتقبل
منهم أولئك الذين يسارعون في
الخيرات * (الترمذي وابن ماجة)

44. **Obaiy-b-Ka'ab** reported that when two thirds of the night passed away, the Prophet used to get up and say: O ye people! remember Allah, remember Allah. Shaking of earth will soon come to pass followed by attending evils. Death will come with what is therein. Death will come with what is therein. —*Tirmizi*.

عن أبي بن كعب قال كان النبي
صلعم إذا ذهب ثلثا الليل قام فقال
يا أيها الناس اذكروا الله اذكروا الله
جاءت الراجفة تتبعها الرادفة جاء الموت
بما فيه جاء الموت بما فيه *
(الترمذي)

45. **Abu Sayeed** reported that the Apostle of Allah came out for prayer and found the people as if in amusement. He addressed: Behold! if thou increaseth the discourse of that which takes away the enjoyments, that which I see (death), it would have kept thee engaged. So increase the remembrance of the Desroyer of pleasures (death), because there will not come over the grave a day but it will speak (therein). It will proclaim: I am a alonely house, I am a house of dust, I am a house of worms.

عن أبي سعيد قال خرج النبي
صلعم لصلوة فرأى الناس كأنهم يكتشرون
قال أما إنكم لو أكثرتم ذكر هاذم
اللذات لشغلكم عما أرى الموت فأكثروا
ذكر هاذم اللذات الموت فإنه لم يأت
على القبر يوم إلا تكلم فيقول أنا بيت
الغربة وأنا بيت الوحدة وأنا بيت

When a believing man is buried, the grave says to him: Welcome! Be happy! Behold! if I were dear to thee than those who walked over my back, then I will befriend thee to-day when thou hast come to me. Thou wilt soon see my treatment with thee. He said: Then it will extend itself in the twinkling of an eye and a door will be opened for him towards Paradise. When a sinner or an unbeliever is buried, the grave will address him: No welcome! no greeting! Behold! if thou wert more enraged to me than those who walked over my back, I would befriend you to-day when thou hast come to me, and thou wilt soon see my treatment with thee. He said; Then it will compress till his sides will interchange. (He reported that the Prophet said—with his fingers). It will then admit some limbs in the hollow of others. He reported that 70 sepents will be stinging him. If one of them would have given out a breath unto this world, nothing would have grown till the world existed. They will continue to sting him and scratch him till he will be taken to render account. The Holy Prophet said; Verily

التُّرابِ وَأَنَا بَيْتُ الدُّودِ وَإِذَا دُفِنَ
الْعَبْدُ الْمُؤْمِنُ قَالَ لَهُ الْقَبْرُ مَرْحَباً وَأَهْلاً
أَمَا إِنْ كُنْتَ لَأَحَبَّ مَنْ يَمْشِي عَلَى
ظَهْرِي إِلَيَّ فَإِذْ وُلِّيتُكَ الْيَوْمَ وَصِرْتَ
إِلَيَّ فَسَتَرَى صَنِيعِي بِكَ قَالَ فَيَتَّسِعُ
لَهُ مَدَّ بَصَرِهِ وَيُفْتَحُ لَهُ بَابٌ إِلَى الْجَنَّةِ
وَإِذَا دُفِنَ الْعَبْدُ الْفَاجِرُ أَوِ الْكَافِرُ قَالَ لَهُ
الْقَبْرُ لَا مَرْحَباً وَلَا أَهْلاً أَمَا إِنْ كُنْتَ
لَأَبْغَضَ مَنْ يَمْشِي عَلَى ظَهْرِي إِلَيَّ
فَإِذَا وُلِّيتُكَ الْيَوْمَ وَصِرْتَ إِلَيَّ فَسَتَرَى
صَنِيعِي بِكَ قَالَ فَيَلْتَئِمُ عَلَيْهِ حَتَّى
تَخْتَلِفَ أَضْلَاعُهُ قَالَ وَقَالَ رَسُولُ اللهِ صلعم
بِأَصَابِعِهِ فَأَدْخَلَ بَعْضَهَا فِي جَوْفِ بَعْضٍ
قَالَ وَيُقَيَّضُ لَهُ سَبْعُونَ تِنِّيناً لَوْ أَنَّ
وَاحِداً مِنْهَا نَفَخَ فِي الْأَرْضِ مَا أَنْبَتَتْ
شَيْئاً مَا بَقِيَتِ الدُّنْيَا فَيَنْهَشْنَهُ وَيَخْدِشْنَهُ
حَتَّى يُفْضَى بِهِ إِلَى الْحِسَابِ قَالَ

the grave is a garden out of the gardens of Paradise, or a ditch out of the ditches of the fire.[1479] —*Tirmizi.*

رسول الله صلعم إنما القبر روضة من رياض الجنة أو حفرة من حفر النار * (الترمذي)

46. **Huzaifah** reported that they asked: O Ms. of Allah! you have grown grey-haired. He said: The Hud and her sisters have grown me grey-haired[1480] —*Tirmizi.*

عن أبي جحيفة قال قالوا يا رسول الله قد شبت قال قد شيبتني هود وأخواتها * (الترمذي)

47. **Ibn Abbas** reported that Abu Bakr said: O Ms. of Allah! you have grown gray-haired. He said: The Hud, the Great Event, the Sent forth the Annoucement and the Folding up have made me old. —*Tirmizi.*

عن ابن عباس قال قال أبو بكر يا رسول الله قد شبت قال شيبتني هود والواقعة والمرسلات وعم يتساءلون وإذا الشمس كورت * (الترمذي)

48. **Anas** reported that he said: You are doing deeds which are more subtle to your eye than a hair. We used to count them at the time of the Prophet as *Mu'beqat*, that is, as destroying ones. —*Bukhari.*

عن أنس قال إنكم لتعملون أعمالا هي أدق في أعينكم من الشعر كنا نعدها على عهد رسول الله صلعم من الموبقات يعني المهلكات * (البخاري)

49. **Ayesha** reported that the Apostle of Allah said: O Ayesha, take care of the minor sins, because there is one from Allah who seeks them. —*Ibn Majah.*

عن عائشة أن رسول الله صلعم قال يا عائشة إياك ومحقرات الذنوب فإن لها من الله طالبا * (ابن ماجة)

1479. See note 2400 for explanation as to how serpents can bite an unbeliever in the grave. If serpents can be seen biting a man in dream, can it be said that they cannot bite in a dream from which there is no rise?

1480. These are the chapters in the Quran dealing with the threatenings and punishments of the Resurrection Day. The Hud relates to ch. 11, the Great Event to ch. 56, the Sent forth to ch. 77, the Announcement to ch. 78, and the Folding up to ch. 81. It occurs elsewhere that the Prophet had only twenty grey hairs at the time of his death.

50. **Abu Burdah-b-Abu Musa** reported that Abdullah b Omar asked him: Don't you know what my father told your father? I said: No. He said: My father said to your father: O Abu Musa! would it please you if our Islam with the Prophet, our emigration with him, our fight with him and our every action with him have been established for us? But as for every deed we have done after his death, we have barely escaped from it, it being equal.[1430a] Your father said to my father: No, by Allah. We fought after the Prophet, prayed, fasted and did many good deeds, and many people accepted Islam at our hands, and we do certainly wish that (rewards). My father said: By One in whose hand there is the life of Omar, as for me, I would certainly like that it would be pleasing to us and that as for every action we have done after him, we have barely escaped from it, it bebing equal. I said: Verily your father was better than my father. —*Bukhari*.

عَنْ أَبِي بُرْدَةَ بْنِ أَبِي مُوسَى قَالَ
قَالَ لِي عَبْدُ اللّٰهِ ابْنِ عُمَرَ هَلْ تَدْرِي
مَا قَالَ أَبِي لِأَبِيكَ قُلْتُ لَا قَالَ
فَإِنَّ أَبِي قَالَ لِأَبِيكَ يَا أَبَا مُوسَى هَلْ
يَسُرُّكَ أَنَّ إِسْلَامَنَا مَعَ رَسُولِ اللّٰهِ صلعم
وَهِجْرَتَنَا مَعَهُ وَجِهَادَنَا مَعَهُ وَعَمَلَنَا
كُلَّهُ مَعَهُ بَرَدَ لَنَا وَأَنَّ كُلَّ عَمَلٍ عَمِلْنَا
بَعْدَهُ نَجَوْنَا مِنْهُ كَفَافًا رَأْسًا بِرَأْسٍ فَقَالَ
أَبُوكَ لِأَبِي لَا وَاللّٰهِ قَدْ جَاهَدْنَا بَعْدَ رَسُولِ
اللّٰهِ صلعم وَصَلَّيْنَا وَصُمْنَا وَعَمِلْنَا خَيْرًا
كَثِيرًا وَأَسْلَمَ عَلَى أَيْدِينَا بَشَرٌ كَثِيرٌ وَإِنَّا
لَنَرْجُوا ذَالِكَ فَقَالَ أَبِي لَكِنِّي أَنَا وَالَّذِي
نَفْسُ عُمَرَ بِيَدِهِ لَوَدِدْتُ أَنَّ ذَالِكَ بَرَدَ لَنَا
وَأَنَّ كُلَّ شَيْءٍ عَمِلْنَاهُ بَعْدَهُ نَجَوْنَا مِنْهُ
كَفَافًا رَأْسًا بِرَأْسٍ فَقُلْتُ إِنَّ أَبَاكَ
وَاللّٰهِ كَانَ خَيْرًا مِنْ أَبِي * (اَلْبُخَارِي)

422w. **Abu Hurairah** reported that the Apostle of Allah said: My Lord enjoined nine things on me: To fear Allah

عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللّٰهِ
صلعم أَمَرَنِي رَبِّي بِتِسْعٍ خَشْيَةِ اللّٰهِ فِي
السِّرِّ وَالْعَلَانِيَةِ وَكَلِمَةِ الْعَدْلِ فِي الْغَضَبِ

1430a. In other words, we have done no such deed after the Prophet which can bring punishment or reward. Reward and punishment are equal in such actions.

openly and in secret, just word in anger, resignation, moderation in poverty and rices, that I should join one who cuts off relationship from me, that I should forgive one who oppresses me, that my silence shall be by way of pondering, that my talk of remembrance (of Allah), my look an admonition (to others), and that I should enjoin good (and it was said: With justice). —*Razin*

وَالرِّضَا وَالْقَصْدِ فِي الْفَقْرِ وَالْغِنَا وَأَنْ أَصِلَ مَنْ قَطَعَنِي وَأُعْطِيَ مَنْ حَرَمَنِي وَأَعْفُو عَمَّنْ ظَلَمَنِي وَأَنْ يَكُونَ صَمْتِي فِكْرًا وَنُطْقِي ذِكْرًا وَنَظَرِي عِبْرَةً وَآمُرَ بِالْعُرْفِ (وَقِيلَ بِالْمَعْرُوفِ) * (رَزِين)

SECTION 3

1431. Latter Days and Warning

The Holy Prophet left nothing to mention which will occur up to the Day of Resurrection. These prophecies of the Holy Prophet have been elaborately put down in the beginning of the Fourth Book. Here there are some prophecies which relate to the latter conditions of the Muslims. The substance of the traditions in this section relating to those prophecies is given below : The Muslims will be numerous in numbers in latter days but the numbers of true Muslims will be very few (29:51). Nobody will fear the general Muslims, and weakness and love of world will overtake them subjecting them to the mercy of currents and cross-currents of political games—29:59. The Prophet is the first boatman of the ark of Islam, Mehdi in the middle, and Jesus Christ is in the enn—29:426w. There will be at first rule by prophethood, then by Khilafat, then by kingdoms, then by disorganised rule and at last by Khilafat in the line of Prophethood—29:423w, 425w. The Muslims in latter times will follow the Jews and the Christians at every step—29:52. The Muslims will be masters of the world but bad people will ultimately gain upperhand in all affairs—29:53,54. The latter Muslims will take morning and evening strolls with fine dresses and sticks like tails. They will have luxurious dishes and lofty buildings with fine

screens over the doors—29:56,61. The rulers will be bad, the rich miser, and the females will lead the males—29:58. The few who will be true Muslims will find it extremely difficult to maintain faith—2.:57. The latter kings will give utmost trouble and anxieties to the Muslims—29:62. The people will treat with people, openly as friend but secretly as enemies—29:64. There will arise a section of the Muslims who will hold the use of silk, drink of wine and singing with musical instruments as lawful—29:65. They will care thousand times more for their world than for their religion. They will wear soft skin dresses of sheep and goats. Their tongue will be sweeter than honey but their heart cruel. Calamities will then fall on them—29:68. There will be no house of clay but unto which Islam will not enter—1:14w, and their best property will be sheep and cattle—1:78.

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51. Ibn Omar reported that the Apostle of Allah said: The people are like one hundred camels in the midst of which you will seldom find one fit for riding [1492] —*Agreed.*

عَنْ اِبْنِ عُمَرَ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم اِنَّمَا النَّاسُ كَالْاِبِلِ الْمِائَةِ لَا تَكَادُ تَجِدُ فِيهَا رَاحِلَةً * (مُتَّفَقٌ عَلَيْهِ)

52. Abu Sayeed reported that the Messenger of Allah said: You must follow the practices of those who were before you, step by step, foot by foot, so much so that if they enter in to the belly of a lizard, you will follow them. He was questioned: O Prophet of Allah, are they the Jews and the Christians? He said: Whoelse (besides them)? —*Agreed.*

عَنْ اَبِي سَعِيدٍ قَالَ قَالَ رَسُولُ اللّٰهِ صلعم لَتَتَّبِعُنَّ سُنَنَ مَنْ قَبْلَكُمْ شِبْرًا بِشِبْرٍ وَذِرَاعًا بِذِرَاعٍ حَتّٰى لَوْ دَخَلُوا جُحْرَ ضَبٍّ تَبِعْتُمُوهُمْ قِيلَ يَا رَسُولَ اللّٰهِ الْيَهُودَ وَالنَّصَارٰى قَالَ فَمَنْ * (مُتَّفَقٌ عَلَيْهِ)

1492. This is a prophecy that there will be innumerable Muslims in latter times, but there will be found hardly a Muslim whose association will be good to be sought and who will be truly devout and pious. Such is the time we are living in at present.

53. **Ibn Omar** reported that the Messenger of Allah said: When my followers will walk with vanity and the sons of kings, the princes of Persia and Byzantium, will serve them, Allah will give authority to the wicked over the good.[1488] —*Tirmizi* (*Rare*)

عن ابن عمر قال قال رسول الله صلعم اذا مشت امتي المطيطاء وخدمتهم ابناء الملوك ابناء فارس والروم سلط الله شرارها على خيارها . الترمذي (غريب)

54. **Huzaifah** reported that the Apostle of Allah said: The **Hour** shall not occur till you kill your leader and strike one another with your swords, and the worst of you will inherit the world. —*Tirmizi.*

عن حذيفة ان النبي صلعم قال لا تقوم الساعة حتى تقتلوا امامكم وتجتلدوا باسيافكم ويرث دنياكم شراركم - (الترمذي)

55. **Same** reported that the Apostle of Allah said: The Hour shall not occur till the most fortunate of men in the world will be a fool, son of a fool. —*Tirmizi, Baihaqi.*

عنه قال قال رسول الله صلعم لا تقوم الساعة حتى يكون اسعد الناس بالدنيا لكع بن لكع * (الترمذي والبيهقي)

56. **Muhammad-b-Ka'ab** reported: One who heard Ali-b-Abi Taleb informed me: We were sitting with the Prophet in the mosque when Musaib-b-Omair suddenly appeared before us. There was nothing on him except a long coat raised up by fur. When the Prophet saw it, he wept for one who got abundant blessing and for one

عن محمد بن كعب قال حدثني من سمع علي بن ابي طالب قال انا لجلوس مع رسول الله صلعم في المسجد فاطلع علينا مصعب بن عمير ما عليه الا بردة له مرقوعة بفرو فلما راه رسول الله صلعم بكى للذي كان فيه من

1488. Here there is a great prophecy that the Muslims would conquer the vast kingdoms of Persia and Rome. The world is to judge from the historical facts whether this prophecy was literally fulfilled. At the time of Hazrat Omar, the Muslims conquered Persia and Byzantine empires. Had he not been a true Messenger from God, he could not have uttered such a mighty pronouncement.

who enjoyed it that day. Then the Prophet said: How will it be with you when some of you will get up at dawn with fine clothes, and return at dusk with fine clothes, and the cup will be placed before him (for wine), and another (cup) will be raised up; and you will hang up screens in your houses as the Ka'ba is screened. They asked: O Ms. of Allah, we will then be better than what we are at present. We will find leisure for divine service and find sufficient (men) for menial works. He said: No, you are at present better than what you will become at that time. 1434 —*Tirmizi.*

النعمة والذي هو فيه اليوم ثم قال رسول الله صلعم كيف بكم اذا غدا احدكم في حلة وراح في حلة ووضعت بين يديه صحفة ورفعت اخرى وسترتم بيوتكم كما تستر الكعبة فقالوا يا رسول الله نحن يومئذ خير منا اليوم نتفرغ للعبادة ونكفى المؤنة قال لا انتم اليوم خير منكم يومئذ ‌‌* (الترمذي)

57. **Anas** reported that the Apostle of Allah said: A time will come over men when the patient of them in his religion will be like one who holds burning coal in his hand. 1435 —*Tirmizi* (*Rare*).

عن انس قال قال رسول الله صلعم يأتي على الناس زمان الصابر فيهم على دينه كالقابض على الجمر ‌* (الترمذي ، غريب)

58. **Abu Hurairah** reported that the Apostle of Allah said:

عن ابي هريرة قال قال رسول الله صلعم اذا كان امراؤكم خياركم واغنياؤكم

1434. The people in latter times will be luxurious in matters of dress, food, abode, servants and slaves. There will be varied and fine dresses for morning and evening strolls, vanities of luxurious dishes and the lofty buildings of fancy. At that time, people will be worse in the eye of Allah and various economic problems will arise.

1435. In latter times, there will be very few believing Muslims, and the majority will be transgressors or nominal Muslims. At that time, the transgressors will get upper hand in this world, and so the few pious men will find it extremely difficult in living with faith.

When your rulers will be your best men, and your rich men will be philanthropic among you, and your affairs will be done with consultation among yourselves, then the surface of the world will be better for you than its bottom. And when your rulers will be the worst of you and your rich men will be misers among you, and your affairs will be done with your wives, then the bottom of the world will be better for you than its surface. 1486 —*Tirmizi* (*Rare*)

سمحاءكم و اموركم شورى بينكم فظهر
الارض خير لكم من بطنها و اذا كان
امراءكم شراركم و اغنياءكم بخلاءكم
و اموركم الى نساءكم فبطن الارض
خير لكم من ظهرها - الترمذي (غريب)

59. **Saoban** reported that the Prophet said: It is near that the nations will call one another against you just as the eaters call one another at their dishes. Some body enquired: Shall we be few at that time? He said: No, you will be numerous at that time, but you will be so many rubbishes like the rubbishes of a torrent. Allah will then certainly take away fear of you from the breasts of your enemies and will certainly throw weakness in your breats. Some body enquired: O Ms. of Allah, what will be (the cause of) weakness? He replied: Love of this world and dislike for death 1487—*Abu Daud*.

عن ثوبان قال قال رسول الله صلعم
يوشك الامم ان تداعى عليكم كما تداعى
الاكلة الى قصعتها فقال قائل و من
قلة نحن يومئذ قال بل انتم يومئذ
كثير و لكنكم غثاء كغثاء السيل و لينزعن
الله من صدور عدوكم المهابة منكم
و ليقذفن في قلوبكم الوهن قال
قائل يا رسول الله و ما الوهن قال حب
الدنيا و كراهية الموت * (ابوداود)

1486. This shows that women are weaker in understanding than men. Husbands therefore should not always rely on the soundness of their wives' instructions.

1487. The Muslims are now nearly ⅓rd of the people of the globe, yet they are weak,

60. **Iyaz-b-Hemar** al Mujashiy reported that the Apostle of Allah one day said in his sermon : Behold ! certainly my Lord ordered me to teach you what you donot know out of what He has taught me this day : Every property which I have given to a servant is lawful, and I have made all of My servants devout ;[1483] but the devils came to them and led them astray from their religion, and made for them unlawful what I made for them lawful. They directed them to set up partners with Me so long I did not send an authority over them. Allah looked to the people of the world (and found them all in error) and so kept them, their Arabs and their non-Arabs, under his wrath excepting the remaining men out of the followers of the Book. He said : Verily I have sent you to try you and to try through you and sent you a Book which water shall not wash away whether you read it asleep and awake. Verily Allah ordered me to crush the Quraish, but I said : Then they will pierce through my

عن عياض بن حمار المجاشعي
أن رسول الله صلعم قال ذات يوم في
خطبته الا ان ربي امرني ان اعلمكم
ما جهلتم مما علمني يومي هذا كل مال
نحلته عبدا حلال وإني خلقت عبادي
حنفاء كلهم وإنهم أتتهم الشياطين
فاجتالتهم عن دينهم وحرمت عليهم
ما أحللت لهم وأمرتهم أن يشركوا بي
ما لم أنزل به سلطانا وإن الله نظر
إلى أهل الأرض فمقتهم عربهم وعجمهم
إلا بقايا من أهل الكتاب وقال إنما
بعثتك لأبتليك وأبتلي بك وأنزلت
عليك كتابا لا يغسله الماء تقرؤه نائما
ويقظان وإن الله أمرني أن أحرق

bereft of power and strength. They are now like foams in currents. In other words, they will be so weak that they will be at the mercy of currents and cross-currents. They will follow other religions and their customs and dresses.

1483. 'I have created my servants devoted to Allah' signifies that every man is born sinless and in the religion of Islam. It is by his actions when major that he goes to heaven or hell.

head and crush it like bread. He said: Drive them out as they have driven you out, and fight with them and We shall supply you arms; spend and We shall soon give you wealth; and send an army, We shall then send (a number) five times like it; and fight with those who obey you against those who disobey you. —*Muslim.*

61. **Abu Hurairah** reported that the Apostle of Allah said: It is likely that, if time prolongs to you, you will see a people in whose hands there will be (sticks) like the tails of cows, walking at morn in the wrath of Allah and returning at dusk in the displeasure of Allah. In a narration: coming at dusk in the curse of Allah. —*Muslim.*

62. **Omar-al Khattab** reported that the Apostle of Allah said: Troubles will afflict my people in latter days from their kings. None will escape therefrom except a person who recognises Allah's religion and then fights for it with his tongue, hand and heart; that is one for whom rewards have preceded before; and (except) a person who recognises Allah's religion and establishes its truth and except a man who recognises the religion of Allah and re-

قريشا فقلت اذا يثلغوا راسي فيدعوه خبزة قال استخرجهم كما اخرجوك واغزهم نغزك وانفق فسننفق عليك وابعث جيشا نبعث خمسة مثله وقاتل بمن اطاعك من عصاك * (مسلم)

عن ابي هريرة قال قال رسول الله صلعم يوشك ان طالت بك مدة ان ترى قوما في ايديهم مثل اذناب البقر يغدون في غضب الله ويروحون في سخط الله وفي رواية يروحون في لعنة الله * (مسلم)

عن عمر بن الخطاب قال قال رسول الله صلعم انه تصيب امتي في اخر الزمان من سلطانهم شدائد لا ينجو منه الا رجل عرف دين الله فجاهد عليه بلسانه ويده وقلبه فذلك الذي سبقت له السوابق ورجل عرف دين الله فصدق به ورجل عرف دين الله فسكت عليه فان راى من يعمل الخير احبه عليه

mains silent over it. If he sees one who does good he loves him and if he sees one who does unlawful things, he expreses anger at it; he will get salvation for his secretly keeping everything.

—*Baihaqi*.

63. **Abu Musa** reported that the Apostle of Allah said: This people of mine is a blessed people. There will be no punishment for them in the hereafter. Their punishment is in this world—calamities, disturbances and murders. —*Abu Daud*.

64. **Mu'az-b-Jabal** reported that the Prophet said: There will appear peoples at latter times who will be friends publicly but enemies in secrect. He was questioned: O Ms. of Allah! how will that come to pass? He replied: That is due to liking of some towards others and disliking of some towards others.

65. **Abu Amer and Abu Malek al-Ash'ari** reported: I heard the Apostle of Allah say: There will certainly arise some people among my followers who will consider the use of 'Khaj', silk, wine, and musical instruments as lawful; and there shall certainly appear some people at the side of a mountain to whom a flock of sheep would come out in the morning. A man will come

وَإِنْ رَأَى مَنْ يَعْمَلُ بِبَاطِلٍ أَبْغَضَهُ عَلَيْهِ فَذَالِكَ يَنْجُو عَلَى بِطَالَتِهِ كُلِّهِ * (الْبَيْهَقِي)

عَنْ أَبِي مُوسَى قَالَ قَالَ رَسُولُ اللهِ صلعم أُمَّتِي هَذِهِ أُمَّةٌ مَرْحُومَةٌ لَيْسَ عَلَيْهَا عَذَابٌ فِي الْآخِرَةِ عَذَابُهَا فِي الدُّنْيَا الْفِتَنُ وَالزَّلَازِلُ وَالْقَتْلُ * (أَبُو دَاوُد)

عَنْ مُعَاذِ بْنِ جَبَلٍ أَنَّ النَّبِيَّ صلعم قَالَ يَكُونُ فِي آخِرِ الزَّمَانِ أَقْوَامٌ إِخْوَانُ الْعَلَانِيَةِ أَعْدَاءُ السَّرِيرَةِ فَقِيلَ يَا رَسُولَ اللهِ وَكَيْفَ يَكُونُ ذَالِكَ قَالَ ذَالِكَ بِرَغْبَةِ بَعْضِهِمْ إِلَى بَعْضٍ وَرَهْبَةِ بَعْضِهِمْ مِنْ بَعْضٍ

عَنْ أَبِي عَامِرٍ أَوْ أَبِي مَالِكٍ الْأَشْعَرِيِّ قَالَ سَمِعْتُ رَسُولَ اللهِ صلعم يَقُولُ لَيَكُونَنَّ مِنْ أُمَّتِي أَقْوَامٌ يَسْتَحِلُّونَ الْخَزَّ وَالْحَرِيرَ وَالْخَمْرَ وَالْمَعَازِفَ وَلَيَنْزِلَنَّ أَقْوَامٌ إِلَى جَنْبِ عَلَمٍ يَرُوحُ

out to them with a (prayer of) want. They will say; Come to us tomorrow. Allah will then pass over them the night while he will turn over the hill and He will (begin to) metamorphose the rest into apes and swines up to the Resurrection Day.[1489]
—*Bukhari*.

عليهم بسارحة لهم يأتيهم رجل لحاجة فيقولون ارجع إلينا غدا فيبيتهم الله ويضع العلم ويمسخ آخرين قردة وخنازير إلى يوم القيامة * (البخاري)

66. **Ibn Abbas** reported that when it was revealed; 'Warn your near relation,' the Holy Prophet ascended the mount Safa and began to proclaim; O Banu Fihr! O Banu Ady of Quraish tribe—till they all mustered strong. He addressed: Inform me that if I give you information that a cavalry is waiting behind that valley to attack you—will you believe me as true? 'Yes' they replied 'we have not found you after experience but a truthful man.' He said; Surely then, I am a pre-warner to you in advent of a great chastisement. Abu Lahab exclaimed; Fie on thee the whole day! Have you called us together for this? Then it was revealed; The hands of Abu Lahab be destroyed and may he perish(112Q).—*Agreed*

عن ابن عباس قال لما نزلت وأنذر عشيرتك الأقربين صعد النبي صلعم الصفا فجعل ينادي يا بني فهر يا بني عدي لبطون قريش حتى اجتمعوا قال أرأيتكم لو أخبرتكم أن خيلا بالوادي تريد أن تغير عليكم أكنتم مصدقي قالوا نعم ما جربنا عليك إلا صدقا قال فإني نذير لكم بين يدي عذاب شديد فقال أبو لهب تبا لك سائر اليوم ألهذا جمعتنا فنزلت تبت يدا أبي لهب وتب * (متفق عليه)

1489. Khaj is a kind of cloth made entirely of silk. It is therefore unlawful. Ma'ajef are musical instruments such as drums, harmoniums etc. with rythmical sounds. In latter times, the learned will use silk dresses and play on musical instruments in such a way that others will think that these things are lawful, while in

In a narration: **He** proclaimed: O children of Abd Manaf, verily the parable of myself and the parable of you is like the parable of a man who saw the enemies and went to precaution his family. He feared that they might go before him. Then he began to shout: Alas! my companions!

وفي رواية ونادى يا بني عبد مناف إنما مثلي ومثلكم كمثل رجل رأى العدو فانطلق يربأ أهله فخشي أن يسبقوه فجعل يهتف يا صباحاه *

67. **Abu Hurairah** reported that when it was revealed: 'Warn your near relation', the Holy Prophet called the Quraish and so they assembled, all and sundry. He addressed: O Banu Ka'ab-b-Lubai, save yourselves from the fire; O Banu Murrah -b-Ka'ab, save yourselves from the fire; O Banu Abd Shams, save yourselves from the fire; O Banu Abd Manaf, save yourselves from the fire; O Banu Hashem, save yourselves from fire; O Banu Abdul Muttaleb, save yourslaves from the fire; O Fatimah, save yourself from the fire, and verily I don't hold control of anything from Allah, except that there is your blood-conection (with me) which I shall

عن أبي هريرة قال لما نزلت وأنذر عشيرتك الأقربين دعا النبي صلعم قريشا فاجتمعوا فعم وخص فقال يا بني كعب بن لؤي أنقذوا أنفسكم من النار يا بني مرة بن كعب أنقذوا أنفسكم من النار يا بني عبد شمس أنقذوا أنفسكم من النار يا بني عبد مناف أنقذوا أنفسكم من النار يا بني هاشم أنقذوا أنفسكم من النار يا بني عبد المطلب أنقذوا أنفسكم من النار ويا فاطمة أنقذي نفسك من النار فإني لا أملك لكم من الله شيئا غير

fact they are unlawful. At that time, God's punishment will come on a wide scale. This is the time of the prophecy we live in. 'A people will appear on the side of a mountain' means that some people will live in towns or lofty buildings like mountains. It any needy people will go to them, he will hardly find opportunity to meet him. At that time, earthquackes will be frequent.

soon moisten with its moisture. 1740 —*Muslim.*

إن لكم رحما سأبلها ببلالها . (مسلم)

In a narration agreed upon— O assembly of the Quraish, purchase for yourselves (Paradise), I don't control anything from Allah for you. O Banu Abd Manaf! I don't control anything from Allah for you. O Abbas, son of Abdul Muttaleb, I don't control anything from Allah for you, O Safiyyah, aunt of the Ms. of Allah, I don't control anything from Allah for you. O Fatimah, daughter of Muhammad, ask me as much as you like from my property, I don't control anything from Allah for you.

وفي المتفق عليه يا معشر قريش اشتروا أنفسكم لا أغني عنكم من الله شيئا يا بني عبد مناف لا أغني عنكم من الله شيئا يا عباس بن عبد المطلب لا أغني عنك من الله شيئا ويا صفية عمة رسول الله لا أغني عنك من الله شيئا ويا فاطمة بنت محمد سليني ما شئت من مالي لا أغني عنك من الله شيئا

68. Same reported that the Apostle of Allah said: There will appear in latter times a people who will adorn this world in preference to the religion. They will put on for people dress of sheep skins of soft nature. Their tongues will be sweeter than sugar and their hearts will be the hearts of wolves. Allah will say: Do you deceive Me, or aganist Me do you dare? I take promise by Me:

عنه قال قال رسول الله صلعم يخرج في آخر الزمان رجال يختلون الدنيا بالدين يلبسون للناس جلود الضأن من اللين ألسنتهم أحلى من السكر وقلوبهم قلوب الذئاب يقول الله أبي يغترون أم علي يجترئون فبي حلفت لأبعثن

1440. The Quran refers to this: Say, who will control anything for you if Allah intends bad for you or intends good for you. "Say—I don't control anything good for myself or bad except what Allah wishes. 'I shall soon moisten' etc. means that I shall try to keep good relation with my relatives and friends.

I must send upon those men from among themselves calamity which will leave the judge perplexed. —*Tirmizi.*

على أولئك منهم فتنة تدع الحكيم فيهم حيران * (الترمذي)

423w. Abu Obaidah and Muaz -b-Jabal reported from the Prophet who said: Verily this affair (Islam) began with Prophethood and mercy; afterwards there will be Khilafat and mercy, and then disintegrated kingdoms, and then there will appear imperialism, rebellion and dissension in the world. They will take silk, private parts, and wines as lawful. They will be provided upon that and they will be helped till they meet Allah. —*Baihaqi*

عن أبي عبيدة ومعاذ بن جبل عن رسول الله صلعم قال إن هذا الأمر بدء نبوة ورحمة ثم تكون خلافة ورحمة ثم ملكا عضوضا ثم كائن جبرية وعتوا وفسادا في الأرض يستحلون الحرير والفروج والخمور يرزقون على ذلك وينصرون حتى يلقوا الله * (البيهقي)

424w. Ayesha reported: I heard the Aposlte of Allah say: Verily the first of what will be turned down (Zaid-b-Yahya, the narrator, said; meaning Islam) will be what a pot drops down meaning wine. It was questioned: How, O Ms. of Allah, while Allah has made clear thereabout what He has made clear? He said: They will give it a name other than its name, and thus they will take it as lawful. —*Darimi.*

عن عائشة قالت سمعت رسول الله صلعم يقول إن أول ما يكفأ قال زيد بن يحيى الراوي يعني الإسلام كما يكفأ الإناء يعني الخمر قيل فكيف يا رسول الله وقد بين الله فيها ما بين قال يسمونها بغير اسمها فيستحلونها . (الدارمي)

425w. Nu'man-b-Bashir reported from Huzaifah that the Ms. of Allah said: Prophethood will last among you till Allah

عن النعمان بن بشير عن حذيفة قال قال رسول الله صلعم تكون النبوة

wishes it to last, [1441] and then the Almighty Allah will raise it up. Afterwards there will be Khilafat according to the ways of Prophethood so long as Allah wishes it to last, and then the Almighty Allah will raise it up. Afterwards there will be oppressive kingdom and it will last so long as the Almighty Allah wishes it to last, and then the Almighty Allah will raise it up. Afterwards there will be imperialistic kingdom, and it will last so long as the Almighty Allah wishes it to last, and then the Almighty Allah will raise it up. Afterwards there will be Khilafat according to the ways of Prophethood, and then he remained silent. —*Ahmad.*

فيكم ما شاء الله ان تكون ثم يرفعها الله تعالى ثم تكون خلافة على منهاج النبوة ما شاء الله ان تكون ثم يرفعها الله تعالى ثم تكون ملكا عاضا فيكون ما شاء الله ان يكون ثم يرفعها الله تعالى ثم يكون ملكا جبرية فيكون ما شاء الله ان يكون ثم يرفعها الله تعالى ثم تكون خلافة على منهاج النبوة ثم سكت * (احمد)

426w. **Ja'far** reported from his father who from his grandfather who said that the Apostle of Allah had said: Give good news, give good news; verily the parable of my people is the parable of a shower of rain. It is not known whether its end is better or its beginning; or like a garden wherefrom a general host of

عن جعفر عن ابيه عن جده قال قال رسول الله صلعم ابشروا وابشروا انما مثل امتي مثل الغيث لا يدرى آخره خير ام اوله او كحديقة اطعم منها فوج عاما ثم

1441. Khilafat continued during the time of the four rightly-guided Caliphs—Hazrats Abu Bakr, Omar, Osman and Ali. They were the true viceroys of the Holy Prophet. They administered both temporal and spiritual matters of the subjects. After that, there became kings who ruled only temporal side and not spiritual. Thus religion was for ever separated. This was at the time of Muwayiah and later Caliphs. Thus separation of the two sides of a man brought ultimate ruin of the Muslim empires.

men are fed, and thereafter another general host of men are fed, and it is likely that the last of them will be a host of men who will be as numerous (in number) as this (garden), and as deep as this and as beautiful as this. How will the people be destroyed when I am in their beginning, Mehdi in their middle and Jesus in their last. But in the intervening period, there will be a misguided host who are not of me and I am not of them. —*Razin.*

اطعم فوج عاما لعل اخرها فوجا ان يكون اعرضها عرضا و اعمقها عمقا و احسنها حسنا كيف تهلك امة انا اولها و المهدي وسطها و المسيح اخرها و لكن بين ذلك نهج اعوج ليسوا مني ولا انا منهم *

(رزين)


THE END.